

## SENATE—Tuesday, May 9, 1972

The Senate met at 12 noon and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Ruler of men and nations, amid the confusion, contention, and uncertainty of our times—O Thou who changest not, abide with us. Keep our purposes certain, our directions clear, and our minds stayed on Thee.

We beseech Thee, O Lord, to strengthen and guide the President, our leaders, and the people, especially those in the Armed Forces and all those in the pursuit of peace. Have compassion upon all who suffer in body and spirit. Overrule our finite and human limitations by Thy infinite grace and love, until the shadows flee away and the brighter day dawns when all men live in the light of Thy kingdom.

In the name of the Prince of Peace, we pray. Amen.

## DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., May 9, 1972.

To the Senate:

Being temporarily absent from the Senate an official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. CHILES thereupon took the chair as Acting President pro tempore.

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of May 8, 1972, the Secretary of the Senate, on May 8, 1972, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes; and

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes.

CXVIII—1031—Part 13

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 9769) concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia, in which it requested the concurrence of the Senate.

## HOUSE BILL REFERRED

The bill (H.R. 9769) concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 8, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ADDRESS BY THE PRESIDENT ON NATIONAL RADIO AND TELEVISION LAST EVENING

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Record the speech made by the President of the United States on national radio and television at 9 p.m. last night.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

## ADDRESS BY THE PRESIDENT ON NATIONAL RADIO AND TELEVISION

Good evening. Five weeks ago, on Easter weekend, the Communist armies of North Vietnam launched a massive invasion of South Vietnam, an invasion that was made possible by tanks, artillery, and other advanced offensive weapons supplied to Hanoi by the Soviet Union and other Communist nations.

The South Vietnamese have fought bravely to repel this brutal assault. Casualties on both sides have been very high. Most tragically, there have been over 20,000 civilian casualties, including women and children, in the cities which the North Vietnamese have shelled in wanton disregard of human life.

As I announced in my report to the Nation 12 days ago, the role of the United States

in resisting this invasion has been limited to air and naval strikes on military targets in North and South Vietnam. As I also pointed out in that report, we have responded to North Vietnam's massive military offensive by undertaking wide-ranging new peace efforts aimed at ending the war through negotiation.

On April 20th, I sent Dr. Kissinger to Moscow for four days of meetings with General Secretary Brezhnev and other Soviet leaders. I instructed him to emphasize our desire for a rapid solution to the war and our willingness to look at all possible approaches. At that time, the Soviet leaders showed an interest in bringing the war to an end on a basis just to both sides. They urged resumption of negotiations in Paris, and they indicated they would use their constructive influence.

I authorized Dr. Kissinger to meet privately with the top North Vietnamese negotiator, Le Duc Tho, on Tuesday, May 2d, in Paris. Ambassador Porter, as you know, resumed the public peace negotiations in Paris on April 27th and again on May 4th. At those meetings, both public and private, all we heard from the enemy was bombastic rhetoric and a replaying of their demand for surrender. For example, at the May 2nd secret meeting, I authorized Dr. Kissinger to talk about every conceivable avenue toward peace. The North Vietnamese flatly refused to consider any of these approaches. They refused to offer any new approach of their own. Instead, they simply read verbatim their previous public demands.

Here is what over three years of public and private negotiations with Hanoi has come down to: The United States, with the full concurrence of our South Vietnamese allies, has offered the maximum of what any President of the United States could offer.

We have offered a de-escalation of the fighting. We have offered a cease-fire with the deadline for withdrawal of all American forces. We have offered new elections which would be internationally supervised with the communists participating both in the supervisory body and in the elections themselves.

President Thieu has offered to resign one month before the elections. We have offered an exchange of prisoners of war in a ratio of 10 North Vietnamese prisoners for every one American prisoner that they release. And Vietnam has met each of these offers with insolence and insult. They have flatly and arrogantly refused to negotiate an end to the war and bring peace. Their answer to every peace offer we have made has been to escalate the war.

In the two weeks alone since I offered to resume negotiations Hanoi has launched three new military offensives in South Vietnam. In those two weeks the risk that a communist government may be imposed on the 17 million people of South Vietnam has increased and the communist offensive has now reached the point that it gravely threatens the lives of 60,000 American troops who are still in Vietnam.

There are only two issues left for us in this war. First, in the face of a massive invasion do we stand by, jeopardize the lives of 60,000 Americans, and leave the South Vietnamese to a long night of terror? This will not happen. We shall do whatever is required to safeguard American lives and American honor.

Second, in the face of complete intransigence at the conference table do we join with our enemy to install a communist government in South Vietnam? This, too, will

not happen. We will not cross the line from generosity to treachery.

We now have a clear, hard choice among three courses of action: Immediate withdrawal of all American forces, continued attempts at negotiation, or decisive military action to end the war.

I know that many Americans favor the first course of action, immediate withdrawal. They believe that the way to end the war is for the United States to get out and to remove the threat to our remaining forces by simply withdrawing them.

From a political standpoint, this would be a very easy choice for me to accept. After all, I did not send over one-half a million Americans to Vietnam. I have brought 500,000 men home from Vietnam since I took office. But, abandoning our commitment in Vietnam here and now would mean turning 17 million South Vietnamese over to communist tyranny and terror. It would mean leaving hundreds of American prisoners in communist hands with no bargaining leverage to get them released.

An American defeat in Vietnam would encourage this kind of aggression all over the world, aggression in which smaller nations armed by their major allies, could be tempted to attack neighboring nations at will in the Mid-East, in Europe, and other areas. World peace would be in grave jeopardy.

The second course of action is to keep on trying to negotiate a settlement. Now this is the course we have preferred from the beginning and we shall continue to pursue it. We want to negotiate, but we have made every reasonable offer and tried every possible path for ending this war at the conference table.

The problem is, as you all know, it takes two to negotiate and now, as throughout the past four years, the North Vietnamese arrogantly refuse to negotiate anything but an imposition, and ultimately that the United States impose a Communist regime on 17 million people in South Vietnam who do not want a Communist Government.

It is plain then that what appears to be a choice among three courses of action for the United States is really no choice at all. The killing in this tragic war must stop. By simply getting out, we would only worsen the bloodshed. By relying solely on negotiations, we would give an intransigent enemy the time he needs to press his aggression on the battlefield.

There is only one way to stop the killing. That is to keep the weapons of war out of the hands of the international outlaws of North Vietnam.

Throughout the war in Vietnam, the United States has exercised a degree of restraint unprecedented in the annals of war. That was our responsibility as a great nation, a nation which is interested—and we can be proud of this as Americans—as America has always been, in peace not conquest.

However, when the enemy abandons all restraint, throws its whole army into battle in the territory of its neighbor, refuses to negotiate, we simply face a new situation.

In these circumstances, with 60,000 Americans threatened, any President who failed to act decisively would have betrayed the trust of his country and betrayed the cause of world peace.

I therefore concluded Hanoi must be denied the weapons and supplies it needs to continue the aggression. In full coordination with the Republic of Vietnam I have ordered the following measures which are being implemented as I am speaking to you.

All entrances to North Vietnamese ports will be mined to prevent access to these ports and North Vietnamese naval operations from these ports. United States forces have been directed to take appropriate

measures within the internal and claimed territorial waters of North Vietnam to interdict the delivery of any supplies. Rail and all other communications will be cut off to the maximum extent possible. Air and naval strikes against military targets in North Vietnam will continue.

These actions are not directed against any other nation. Countries with ships presently in North Vietnamese ports have already been notified that their ships will have three daylight periods to leave in safety. After that time, the mines will become active and any ships attempting to leave or enter these ports will do so at their own risk.

These actions I have ordered will cease when the following conditions are met: First, all American prisoners or war must be returned.

Second, there must be an internationally supervised cease-fire throughout Indochina.

Once prisoners of war are released, once the internationally supervised cease-fire has begun, we will stop all acts of force throughout Indochina, and at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months.

Now, these terms are generous terms. They are terms which would not require surrender and humiliation on the part of anybody. They would permit the United States to withdraw with honor. They would end the killing. They would bring our POWs home. They would allow negotiations on a political settlement between the Vietnamese themselves. They would permit all the nations which have suffered in this long war—Cambodia, Laos, North Vietnam, South Vietnam—to turn at last to the urgent works of healing and of peace. They deserve immediate acceptance by North Vietnam.

It is appropriate to conclude my remarks tonight with some comments directed individually to each of the major parties involved in the continuing tragedy of the Vietnam War. First, to the leaders of Hanoi, your people have already suffered too much in your pursuit of conquest. Do not compound their agony with continued arrogance; choose instead the path of a peace that redeems your sacrifices, guarantees true independence for your country and ushers in an era of reconciliation.

To the people of South Vietnam, you shall continue to have our firm support in your resistance against aggression. It is your spirit that will determine the outcome of the battle. It is your will that will shape the future of your country.

To other nations, especially those which are allied with North Vietnam, the actions I have announced tonight are now directed against you. Their sole purpose is to protect the lives of 60,000 Americans who would be gravely endangered in the event the Communist offensive continues to roll forward and to prevent the imposition of a Communist government by brutal aggression upon 17 million people.

I particularly direct my comments tonight to the Soviet Union. We respect the Soviet Union as a great power. We recognize the right of the Soviet Union to defend its interests when they are threatened. The Soviet Union in turn must recognize our right to defend our interests.

No Soviet soldiers are threatened in Vietnam. Sixty thousand Americans are threatened. We expect you to help your allies, and you cannot expect us to do other than to continue to help our allies, but let us, and let all great powers help our allies only for the purpose of their defense, not for the purpose of launching invasions against their neighbors.

Otherwise the cause of peace, the cause in which we both have so great a stake, will be seriously jeopardized.

Our two nations have made significant progress in our negotiations in recent months. We are near major agreement on

nuclear arms limitation, on trade, on a host of other issues.

Let us not slide back toward the dark shadows of a previous age. We do not ask you to sacrifice your principles, or your friends, but neither should you permit Hanoi's intransigence to blot out the prospects we together have so patiently prepared.

We, the United States, and the Soviet Union, are on the threshold of a new relationship that can serve not only the interests of our two countries, but the cause of world peace. We are prepared to continue to build this relationship. The responsibility is yours if we fail to do so.

And finally, may I say to the American people, I ask you for the same strong support you have always given your President in difficult moments. It is you most of all that the world will be watching.

I know how much you want to end this war. I know how much you want to bring our men home and I think you know from all that I have said and done these past three and one-half years how much I, too, want to end the war to bring our men home.

You want peace. I want peace. But, you also want honor and not defeat. You want a genuine peace, not a peace that is merely a prelude to another war.

At this moment, we must stand together in purpose and resolve. As so often in the past, we Americans did not choose to resort to war. It has been forced upon us by an enemy that has shown utter contempt toward every overture we have made for peace. And that is why, my fellow Americans, tonight I ask for your support of this decision, a decision which has only one purpose, not to expand the war, not to escalate the war, but to end this war and to win the kind of peace that will last.

With God's help, with your support, we will accomplish that great goal.

Thank you and good night.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

#### VIETNAM—THE AMERICAN NAVAL FORCES TO MINE HAIPHONG HARBOR

Mr. PROXMIRE. Mr. President, the President's action in directing American naval forces to mine Haiphong Harbor and to interdict ships landing supplies in North Vietnam harbors is both reckless and wrong.

It is wrong for these reasons:

First. It shoves this country into a direct collision course with the Soviet Union, and risks our sinking Soviet ships.

Second. In doing so, it seriously jeopardizes the strategic arms limitation talks and of the summit agreement with Russia at their most critical stage. And, of course, this could endanger the progress we have been making in achieving a limit to the nuclear arms race.

Third. It raises the admittedly remote but terrible possibility of war with the Soviet Union.

Fourth. It might provoke Soviet retaliation by mining South Vietnam harbors or Russian submarine attacks on American shipping, and because of the

far greater volume of American shipping to South Vietnam than Russian shipping to North Vietnam, we are far more vulnerable.

Fifth. It will increase the killing and carnage and risk without any genuine likelihood that it can achieve a military success, since Russian and especially Chinese support and supply of North Vietnam will undoubtedly continue and may even increase in response to our escalation.

It is time for Congress to act by cutting off funds now for any further military action in Southeast Asia.

#### GEORGE MEANY BACKS THE PRESIDENT

Mr. GRIFFIN. Mr. President, it has been quite apparent from time to time that AFL-CIO President George Meany is rather anxious to see President Nixon defeated in November. To say that Mr. Meany is a powerful and influential political opponent of the President is quite an understatement of the relationship between the two men.

Nevertheless, George Meany has demonstrated on numerous occasions that he puts the security and best interests of the United States of America ahead of political considerations.

Needless to say, George Meany and I have had some differences over the years. I suspect that his forces will be out to defeat me in this election year. Yet I have always respected Mr. Meany for the fact that he is, and always has been, a patriot first and a union leader second.

When he was asked for comment concerning President Nixon's speech last night, George Meany said:

In this time of crisis, with 60,000 lives at stake, I think the American people should back up the President, irrespective of politics or other considerations.

Mr. President, I should like to suggest that Mr. Meany has set a praiseworthy example for others, in and out of Congress, who believe that President Nixon should be retired in November.

I wish to commend Mr. Meany for his statesmanlike and responsible reaction at this most difficult hour.

#### PRESIDENT NIXON'S FATEFUL DECISION ON VIETNAM

Mr. ALLEN. Mr. President, the President had a soul-searching decision to make and I certainly hope that this fateful decision will shorten the war and speed the end of hostilities.

For years, top military men have advised the closing of the port of Haiphong and other supply routes. The President is now ordering this done. He feels this action is necessary to deprive North Vietnam of war materiel and supplies, and to protect our remaining troops in Southeast Asia. As the junior Senator from Alabama, I feel that I must give the President my support in this crisis. To insist that the President, having taken this bold step, must now back down is unthinkable.

Now, Mr. President, as to the insistence that this may cause the cancellation of

the summit conference in Moscow or an end to the SALT talks, it would occur to me that this might merely add another item to the agenda to be discussed at Moscow. There is no reason in the world why this should cause a cancellation of the summit talks or a cancellation of the SALT talks.

The President has made a bold and courageous move and I feel that all Americans, regardless of political considerations, should unite behind him in this crisis.

#### PRESIDENT NIXON'S VIETNAM POLICY

Mr. THURMOND. Mr. President, last night President Nixon announced a courageous and far-reaching decision regarding the Vietnam war. The President also appealed for support of the American people in this difficult hour. I applaud the President's action, and urge my fellow Americans to give the President the support he needs.

The war in Vietnam has been a long and costly war. It has been costly in terms of human lives, in terms of money, and in terms of the burden of emotional frustration which many Americans are experiencing regarding the war. These factors have led many Americans to believe the United States should simply withdraw from Vietnam, to bring a halt to this conflict which has cost lives and money and which has divided this Nation. The basic flaw in this issue is that it ignores the consequences of American defeat in Vietnam.

I have always believed that the insatiable appetite of an aggressor can never be whetted by the sacrifice of the independence and freedom of some small nation. I believe it now.

I have believed for 8 years that the Communist aggressors from North Vietnam would respond only to decisive military action. I believe it now.

I have believed for 8 years that the single most encouraging factor to Hanoi in this war has been the much publicized division of opinion among the American people and their elected representatives. I believe it now.

Mr. President, the time has come for the leadership of these United States to unite behind our Commander in Chief. We can owe nothing less to a man who has put the welfare of freedom-loving people above his own political fortunes.

The time for partisan political bickering is past.

The time for questioning the motives of our President is past.

The time for whitewashing the atrocities, tactics, and goals of the enemy is past.

The time for condemning and downgrading the military spokesmen of this country is past.

The time for ignoring and downplaying the broken promises of the Hanoi government is past.

The time for proposing a sellout of our Southeast Asian allies is past.

Yes, Mr. President, the time for division in America is past.

Instead, the time has come for unity.

Hanoi will abandon her goal of military conquest in the South only if this

Congress shows a solid unified wall of support behind our President.

President Nixon has offered a complete withdrawal of American troops from Vietnam within 4 months of an internationally supervised cease-fire and an exchange of prisoners of war.

He has promised an exchange of prisoners at the rate of 10 Communists for every American.

He has offered conditions which will lead to new elections in South Vietnam. These elections will be preceded by the resignation of President Thieu, and they will be participated in by all elements of South Vietnamese society.

The President wisely refused to follow those who would surrender when the stakes are so high. He has chosen to take the other road. The course is difficult and uncertain. It may have serious political implications for the administration. Last night President Nixon spoke as our President, not as a candidate. He showed his determination that the United States will not relinquish its role in world affairs nor will we endanger the security of our troops in Vietnam, the unstable balance of power in the Far East, nor the cause of the Free World in general.

He has provided real hope for 17 million South Vietnamese people to live in freedom under a government of their own choosing.

He has returned credibility to the word of this Nation—a word articulated by the late President Kennedy who told the world that we would defend any friend and oppose any foe in the cause of freedom.

And now the issue is clearly drawn. President Nixon's action to close off the pipeline of war supplies to the North Vietnamese is a bold decisive move. It will have a definite long-range effect on the military operations in Indochina. The immediate impact of his decision will be more diplomatic than military.

It is hoped that the combined result will blunt the present invasion. If not, there are still additional measures that the President may have to take.

Mr. President, I urge united support for President Nixon, who has demonstrated time and again the courage to act decisively to hasten the end of this war.

Mr. President, I ask unanimous consent that the text of the President's address to the Nation be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

#### TEXT OF A RADIO AND TELEVISION ADDRESS BY THE PRESIDENT ON SOUTHEAST ASIA

Five weeks ago, on Easter weekend, the Communist armies of North Vietnam launched a massive invasion of South Vietnam—an invasion that was made possible by tanks, artillery, and other advanced offensive weapons supplied to Hanoi by the Soviet Union and other Communist nations.

The South Vietnamese have fought bravely to repel this brutal assault. Casualties on both sides have been high.

Most tragically, there have been over twenty thousand civilian casualties, including women and children, in the cities which the North Vietnamese have shelled in wanton disregard for human life.

As I announced in my report to the Nation twelve days ago, the role of the United States in resisting this invasion has been limited to air and naval strikes on military targets in North and South Vietnam.

As I also pointed out, in that report, we have responded to North Vietnam's massive military offensive by undertaking wide-ranging new peace efforts, aimed at ending the war through negotiation.

On April 20, I sent Dr. Kissinger to Moscow for four days of meetings with General Secretary Brezhnev and other Soviet leaders. I instructed him to emphasize our desire for a rapid solution to the war and our willingness to look at all possible approaches. At that time, the Soviet leaders showed an interest in bringing the war to an end on a basis just to both sides. They urged resumption of negotiations in Paris and indicated they would use their constructive influence.

I then authorized Dr. Kissinger to meet privately with the top North Vietnamese negotiator, Le Duc Tho, on Tuesday, May 2, in Paris. Ambassador Porter, as you know, resumed the public peace negotiations in Paris on Thursday, April 27, and on Thursday, May 4.

At those meetings, public and private, all we heard from the enemy was bombastic rhetoric and a replaying of their demands for surrender.

For example, at the May 2 secret meeting, I authorized Dr. Kissinger to talk about every conceivable avenue toward peace.

The North Vietnamese flatly refused to consider any of these approaches. They refused to offer any new approach of their own. Instead, they simply read verbatim their previous public demands.

Here is what over three years of public and private negotiations with Hanoi had come down to:

The United States, with the full concurrence of our South Vietnamese allies, has offered the maximum of what any President could offer. We have offered a de-escalation of the fighting. We have offered a ceasefire with a deadline for withdrawal of all American forces. We have offered new elections which would be internationally supervised with the Communists participating both in the supervisory body and in the elections themselves. President Thieu has offered to resign one month before the elections. We have offered an exchange of prisoners of war in a ratio of ten North Vietnamese prisoners for every one American prisoner they return.

North Vietnamese has met each of these offers with insolence and insult.

They have flatly and arrogantly refused to negotiate an end to the war and bring peace.

Their answer to every peace offer we have made has been to escalate the war. In the two weeks alone since I offered to resume negotiations, Hanoi has launched three new offensives.

In those two weeks, the risk that a Communist government may be imposed on the 17,000,000 people of South Vietnam has increased. And the Communist offensive has now reached the point that it gravely threatens the lives of 60,000 American troops who are still in Vietnam.

There are only two issues left for us in this war.

First, in the face of a massive invasion, do we stand by, jeopardize the lives of sixty thousand Americans, and leave the South Vietnamese to a long night of terror?

This will not happen. We shall do whatever is required to safeguard American lives and American honor.

Second, in the face of complete intransigence at the conference table, do we join with our enemy to install a Communist government in South Vietnam?

This, too, will not happen. We will not cross the line from generosity to treachery.

We now have a clear, hard choice among three courses of action: immediate with-

drawal of all American forces; continued attempts at negotiation; or decisive military action to end the war.

I know that many Americans favor the first course of action. They believe that the way to end the war is for the United States to get out, and to remove the threat to our remaining troops by simply withdrawing them.

From a political standpoint, this would be an easy choice for me to accept. I did not send over one-half million Americans to Vietnam. I have brought 500,000 home from Vietnam since I took office.

But abandoning our commitment in Vietnam here and now would mean turning 17,000,000 South Vietnamese over to Communist terror and tyranny. It would mean leaving hundreds of American prisoners in Communist hands with no bargaining leverage to get them released.

An American defeat in Vietnam would encourage this kind of aggression all over the world—aggression in which smaller nations, armed by their major allies could be tempted to attack neighboring nations at will. World peace would be in grave jeopardy.

The second course of action is to keep on trying to negotiate a settlement. This is the course we have preferred from the beginning. We shall continue to pursue it. But we have made every reasonable offer and tried every possible path for ending this war at the conference table. The problem is that it takes two to negotiate, and that now, as throughout the past four years the North Vietnamese arrogantly refuse to negotiate anything but an imposition by the United States of a Communist regime on 17,000,000 people in South Vietnam who do not want a Communist government.

It is plain that what appears to be a choice among three courses of action for the United States is really no choice at all. The killing in this tragic war must stop.

By simply getting out we would only worsen the bloodshed. By relying solely on negotiations we would give an intransigent enemy the time he needs to press his aggression on the battlefield.

There is only one way to stop the killing, and that is to keep the weapons of war out of the hands of the international outlaws of North Vietnam.

Throughout the war in Vietnam, the United States has exercised a degree of restraint unprecedented in the annals of war.

That was our responsibility as a great nation—a nation which is interested, as America has always been, in peace and not in conquest. However, when the enemy abandons all restraint, throws its whole army into battle on the territory of its neighbor, and refuses to negotiate, we face a new situation:

In these circumstances, with 60,000 Americans threatened, any President who failed to act decisively would have betrayed the trust of his country and the cause of peace.

I have therefore concluded that Hanoi must be denied the weapons and supplies it needs to continue its aggression. In full coordination with the Republic of Vietnam, I have ordered the following measures which are being implemented as I am speaking to you.

(1) All entrances to North Vietnamese ports will be mined to prevent access to these ports and North Vietnamese naval operations from these ports.

(2) United States forces have been directed to take appropriate measures within the internal and claimed territorial waters of North Vietnam to interdict the delivery of supplies.

(3) Rail and all other communications will be cut off to the maximum extent possible.

(4) Air and naval strikes against military targets in North Vietnam will continue.

These actions are not directed against any other nation. Countries with ships presently in North Vietnamese ports have been notified that their ships will have three daylight periods to leave in safety. After that time, the

mines will become active and any ships attempting to leave or enter these ports will do so at their own risk.

These actions will cease when the following conditions are met:

First, all American prisoners of war must be returned.

Second, there must be an internationally supervised ceasefire throughout Indochina.

Once prisoners of war are released, and once the internationally supervised ceasefire has begun, we will stop all acts of force throughout Indochina.

At that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months.

These are terms which would not require surrender and humiliation on the part of anybody. They would permit the United States to withdraw with honor. They would end the killing and bring our POWs home. They would allow negotiations on a political settlement between the Vietnamese themselves. They would permit all the nations which have suffered in this long war to turn at least to the urgent works of healing and peace. They deserve immediate acceptance by North Vietnam.

It is appropriate to conclude my remarks tonight with some comments directed individually to each of the major parties involved in the continuing tragedy of the Vietnam war.

First, to the leaders in Hanoi: Your people have already suffered too much in your pursuit of conquest. Do not compound their agony with continued arrogance. Choose instead the path of a peace that redeems your sacrifices, guarantees true independence, and ushers in an era of reconciliation.

To the people of South Vietnam: You shall continue to have our firm support in your resistance against aggression. It is your spirit that will determine the outcome of the battle. It is your will that will shape the future of your country.

To other nations, especially those which are allied with North Vietnam: The actions I have announced tonight are not directed against you. Their sole purpose is to protect the lives of 60,000 Americans who would be gravely endangered in the event that the Communist offensive continues to roll forward, and to prevent the imposition of a Communist government by brutal aggression upon a nation of 17 million people.

I particularly direct my comments tonight to the Soviet Union. We respect the Soviet Union as a great power. We recognize the right of the Soviet Union to defend its interests when they are threatened. The Soviet Union, in turn, must recognize our right to defend our interests.

No Soviet soldiers are threatened in Vietnam. Sixty thousand Americans are threatened. We expect you to help your allies. You cannot expect us to do other than continue to help our allies. But let us, and all great powers, help our allies only for the purpose of their defense—not for the purpose of launching invasions against their neighbors. Otherwise the cause of peace, the cause in which we both have so great a stake, will be seriously jeopardized.

Our two nations have made significant progress in our negotiations in recent months. We are near major agreements on nuclear arms limitations, on trade, on a host of other issues. Let us not slide back toward the dark shadows of a previous age. We do not ask you to sacrifice your principles or your friends. But neither should you permit Hanoi's intransigence to blot out the prospects we together have so patiently prepared. We are on the threshold of a new relationship that can serve not only the interests of our two countries but the cause of world peace. We are prepared to continue to build this relationship. The responsibility is yours if we fail to do so.

Finally, to the American people: I ask you for the same strong support you have al-

ways given your President in difficult moments. It is you most of all that the world will be watching.

I know how much you want to end this war. I know how much you want to bring our men home. I think you know, from all that I have said and done these past three and a half years, how much I, too, want to end the war and bring our men home.

You want peace. I want peace. But you also want honor and not defeat. You want a genuine peace, not a peace that is merely a prelude to another war.

At this moment we must stand together in purpose and resolve. As so often in the past, we Americans did not choose to resort to war. It has been forced upon us by the enemy that has shown utter contempt toward every overture we have made for peace.

That is why tonight I ask you for your support of this decision, a decision which has only one purpose—not to expand the war, not to escalate the war, but to end this war and to win the kind of peace that will last. With God's help and with your support we shall accomplish that great goal.

### THE SITUATION IN VIETNAM

Mr. MANSFIELD. Mr. President, I would call to the attention of my colleagues that the first amendment to the Constitution of the United States, which we are sworn to uphold, still is in existence. It says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, . . .

By that I mean, if I may interpolate, to express our views as we honestly and conscientiously feel them. I continue to read from the first amendment:

. . . or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Mr. President, the statement has been made that there are additional measures which could still be taken. I really do not know what they are, because it appears to me that we have sent an armada of B-52's to Vietnam and Indochina.

Last weekend, if my memory serves me correctly, we sent an additional 75 fighter planes to an airfield in Thailand. We have the biggest sea flotilla ever assembled in that area, in the South China Sea, as well as some additional units in the Gulf of Thailand blockading Cambodia.

I would express the hope that when we talk about additional measures, we do not go too far, because it would be an easy way to win and, in winning, an easy way to lose.

I would call to the attention of my colleagues the latest total casualty figures beginning on January 1, 1961, through the 29th of April 1972, more than 11 years, and more than 358,918 American casualties later.

Now we are mining the harbors of North Vietnam. We were told about it after the fact, not before. And there is always the possibility that this will bring about the possibility of a conflict with other nations if they do not obey our dictum and the law that we lay down, if they do not move out within a 3-day period from the 3-mile zone or the 12-mile zone. And it appears to me, Mr. President, that what we are witnessing is not a shortening of the war—although I hope devoutly that that is what it turns out

to be—but rather a lengthening of it, an expanding of it, perhaps a placing of the SALT talks in jeopardy, and perhaps a bringing about of a cancellation or, at the least, a postponement of the Moscow conference, making it more difficult to release our prisoners of war and recoverable missing in action, and very likely increasing the total of the POW's.

So, I would hope that we would look at this somberly and soberly and recognize all the implications involved. I would expect also that no one would be criticized who happens to express a different point of view, because every Senator in this body has sworn to uphold the Constitution. Every Member of this body is entitled to the use of free speech and the exercise of his conscience. As far as I am concerned personally, the sooner this horrible, tragic war is brought to a close and every American is brought home, the better off I will feel, because to me 358,918 U.S. casualties in a 12-year period is 358,918 too many in a war in which we have no business and which is not vital to the security of this Nation, a war which, in my opinion, is the greatest tragedy which has ever befallen this Republic.

Mr. President, it does no great nation any harm to admit that a mistake has been made. And sometimes when nations and men will do so, they will be the bigger and the better for it.

The ACTING PRESIDENT pro tempore. Is there further morning business?

### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1183

Mr. BROOKE. Mr. President, yesterday I announced my intention to submit an amendment calling for the cessation of hostilities and the withdrawal of American forces in or over Indochina by August 31 of this year. I now submit that amendment, on behalf of the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD) and myself, and I will call for its adoption.

The ACTING PRESIDENT pro tempore (Mr. CHILES). The amendment will be received and printed, and will lie on the table.

Mr. BROOKE. But between the announcement of my intention yesterday, and the submission of the amendment today, certain momentous events have occurred which call for responsible commentary.

Last night, the President undertook a grave risk to end the war in Vietnam. His decision involves the imminent prospect of direct confrontation with the So-

viet Union. It signals to the Soviet Union, and to the nations of the world, that the United States will take extreme risks in defense of the U.S. position in South Vietnam.

I disagree with the President, I have never believed that South Vietnam was vital to our national security. I have never believed that its fall would ignite a rebellion and Communist takeovers elsewhere in the world. And I certainly do not believe that South Vietnam, on the periphery of Asia, is so important to our national security that it is worth the sacrifice the United States has made, and the still greater sacrifice the President is apparently willing to make.

Among the risks we are taking is the chance of forfeiting many years of dedicated effort to achieve an arms limitation agreement; the possible risk of wider war; and the possible sacrifice of our improving relationships with the People's Republic of China.

But, Mr. President, there was also contained within the text a peace offer. The President said, and I quote:

These actions I have ordered will cease when the following conditions are met:

First, all American prisoners of war must be returned.

Second, there must be an internationally supervised cease-fire throughout Indochina.

The President did not leave it at this. He went on to say:

Once prisoners of war are released, once the internationally supervised cease-fire has begun, we will stop all acts of force throughout Indochina. And at that time we will proceed with a complete withdrawal of all American forces from Vietnam within 4 months.

In the event of any doubt he said that:

Negotiations and a political settlement must occur between the Vietnamese themselves.

And he charged the South Vietnamese:

It is your spirit that will determine the outcome of the battle. It is your will that will shape the future of your country.

Nowhere in the text was there any mention of the political conditions previously obtaining to a settlement: No requirement for free and democratic elections, no international organization and supervision of those elections, no outside body determining the qualifications of the candidates.

It is my understanding that the President has offered withdrawal of U.S. forces from Vietnam within 4 months of an internationally supervised cease-fire and the return of our prisoners and that the political settlement will be left to the Vietnamese themselves—not just the South Vietnamese, but all Vietnamese.

Without additional conditions this is an acceptable offer. If the North Vietnamese and the Vietcong were to agree tomorrow, the United States would be out of Indochina by the 15th of September, or only 15 days after the date set by my amendment.

I do not expect that the North Vietnamese and their allies to overlook the context in which these terms were presented. They have, in effect, been given an ultimatum: Accept this last best offer, or risk wider war. The context in which this offer is made, in my judgment, is unfortunate.

But acceptance of the President's peace offer would be a brave and enduring act in the interests of peace. I hope and pray that the North Vietnamese will have the judgment to accept this offer, for themselves and for all humanity.

#### VIETNAM—THE NEW ESCALATION

Mr. MOSS. Mr. President, we now stand on the brink, linked to another escalation in Vietnam. No one can be sure where the President's decision to mine Haiphong will lead. All Americans surely must hope that we will finally reach an end to this long struggle. Yet our hope has gone bitterly sour over the years. At each turn in the trail we have been offered the expectation of peace, but only more war has followed. How well-founded is the hope of the newest venture?

President Nixon's fundamental view of Indochina has not changed. Until it does, we face the probability of prolonged conflict. If I shared this view, then I, too, would be willing to sacrifice the fruits of the strategic arms limitation talks. I, too, would willingly jeopardize our world image as a people of peace. But I have never given credence to the domino theory, nor to the linkage concept, and, therefore, shun the belief that a naval encounter between superpowers serves the interest of our Nation or the world. Though I deeply hope the restraint of Peking and Moscow surpasses our own, I fear that we risk far too much by severely testing the progress made in this decade toward detente.

What reasons exist for believing the staircase of escalation will lead to peace? We have climbed it before, only to find the will of North Vietnam matching each step we took.

Mining harbors and massive bombing say by action what administration officials have refused to voice—Vietnamization and secret peace plans, the cornerstones of the President's Vietnam policy, have failed. He was given a mandate by the American people in 1968 to lead us out of this war, but he has badly misjudged the nature of that war and the people of Indochina. We are trapped by positions and policies that should have been reversed long ago.

We are asked to sustain the President's hope, by suppressing our own conscience. It is too much. While we hope for acceptance of the President's terms by North Vietnam, we must also hope that further prolongation of this struggle would draw the President toward a fundamental redirection of his policy in war-torn Indochina. We must now await those responses.

#### QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PRESIDENT NIXON'S SPEECH ON VIETNAM

Mr. HARTKE. Mr. President, the President that we elected to end the war has now brought us to the brink of mankind's last war.

President Nixon's actions last night constitute the most reckless act of international lawlessness that any American President has ever committed.

He has thrown down the gauntlet of nuclear war to a billion people in the Soviet Union and China. He has alienated us from every last vestige of world opinion. He has placed the very survival of mankind at hazard because he could not find the moral or political courage to admit his own failures in Vietnam.

The Congress cannot permit so evil an act to be done in our Nation's name and at such incalculable risk to the entire world. We must act at once to reverse this fateful error. Armageddon may be only hours away.

It was in 1968 that presidential candidate Mr. Nixon said that if the President at that time, which was the Democratic administration of President Johnson, did not end the war by the time the next election occurred, he would have a new administration which would end the war and win the peace. Here we are now, almost 3½ years later, with a President who would never have been elected President if everyone had known there were going to be 20,000 additional military caskets coming back as a result of actions of the U.S. Government in his administration in that same war, who at the same time threatens the whole world with world war III, 3½ years later.

The acts of the President, in my opinion, are his own. I only wish that I knew exactly the background of how this is all going on, because if Mr. Kissinger is calling the shots—as it appears to me he is—although I know those who speak for the President say he is not—all we have to do is read what he says, and it is very clear that the outline of Mr. Kissinger, as contained in so many publications and books, is being followed. That outline is—

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. MANSFIELD. Mr. President, if I may be recognized, I yield my time to the Senator.

The ACTING PRESIDENT pro tempore. All time for morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that time be extended for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I yield to the distinguished Senator.

Mr. HARTKE. I thank the majority leader.

The outline is very simple. It is called the high-risk policy. What is the high-risk policy? What it says, in substance, is that we must take high risks in international politics, and that war is an extension of the political process. He says

there are two things in a limited war that must be made very clear. One of them is to the people of our own Nation that we do not intend to go to a nuclear holocaust, and the second is to make it clear to the other side that we will not extend it except for limited purposes.

The difficulty with that approach is that we do not know whether the other side, with that high risk that we have thrown in their face, can accept it, or what the reaction will be, and that the chain reaction resulting therefrom is absolutely incalculable.

If one follows Mr. Kissinger's statements—and these are no secrets; they can be examined in detail—they are very simply that he believes tactical nuclear weapons are permissible in a limited war. He says two things must be done before that can be done, however. One is that the American people must be educated to the fact that the use of tactical nuclear weapons does not necessarily mean there will be a nuclear war.

I would hope that the Congress would now lead in providing an alternative to President Nixon's proposal. I would hope that the Congress would take definitive action to see that the President does not proceed, within the remaining time of the 72-hour period for the mining of Haiphong. I would hope the President would reestablish the opportunity to discuss this matter either at Paris or before the United Nations and that he will say this Nation made a mistake and that it has continued to make other mistakes.

If Mr. Nixon wanted to do that, I would praise him for having the courage to take this Nation out of the war. I would not criticize him for the actions he has taken during the past 3 years. Until that is done, Congress must do everything it can to prevent the high-risk policy favored by the President.

Mr. BROCK. Mr. President, this morning I listened with a great deal of interest. I had not intended to make any remarks, because I made a statement in support of the President earlier in the day. But I cannot help but respond to some of the comments that have been made.

It seems passing strange to me that once again when the President makes a dramatic peace proposal, even before we get any response from Hanoi or Russia or any of those who support those countries, his actions are criticized in the highest legislative body of our Nation. I cannot for the life of me see for what constructive purpose this serves.

It seems to me the President has taken every possible step for peace. He has withdrawn all conditions to our peace offer except the stopping of the fighting—which apparently those who criticize him do not want—and the return of our prisoners of war—which critics say they would like to see. Those are not difficult conditions. The gauntlet has not been thrown down by the President. It has been offered to Hanoi as a condition that will end the fighting and allow resolution of the conflict, which they and their neighbors to the south can work out for themselves.

I do not think the President had any alternative but to take such action as was necessary to save American lives.

The Senator from Indiana refers to this as a high-risk policy. How high was the risk to our men when the North Vietnamese invaded the south with every single division they had. Our men are in real jeopardy. Could any President do less than attempt to protect their lives?

And, yet, there has been criticism of that act. I hear no criticism of North Vietnam for endangering the world's peace. I hear only criticism of the President for imposing so-called "intolerable terms." Yet, the only terms he has imposed are that those people stop shooting and for our men to be returned.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. HARTKE. Let me ask the Senator, was he consulted in advance or advised in advance by the White House of what was going to happen?

Mr. BROCK. No, I was not.

Mr. HARTKE. Is the Senator a Member of the U.S. Senate?

Mr. BROCK. Yes, I am.

Mr. HARTKE. I am, too, but I was not advised, either, or consulted, and under the Constitution the power to take such an act of war rests with the Congress of the United States, not with the President of the United States alone. Why was not Congress consulted?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield my time to the Senator.

Mr. BROCK. The Constitution says something else, and that is that the President himself is the Commander in Chief of our Armed Forces. In that capacity, he is responsible for the health, safety, and security of our Armed Forces. The President acted to do just that with full knowledge of his constitutional prerogatives and responsibilities. I for one supported him in that step, because I think he has taken a step to protect our remaining men and to resolve this conflict. I would hope he would receive the Senate's support because of the magnanimity of his peace offer. It is beyond any offer that has been suggested by his opposition.

Mr. TOWER. Mr. President, it seems to me that the suggestion of much that has been said today is that what the President should do is surrender South Vietnam to North Vietnam. I can think of nothing more calculated to encourage military aggression all over this world. I believe the step the President took was an eminently correct step. It is necessary that we interdict the enemy's supplies if South Vietnam is to contain the aggression that has been overtly launched against it, in contravention to the Geneva Accords and the 1968 understanding; and probably the most merciful and humane means of interdiction is through the mining of harbors, so that the instruments of war cannot reach the enemy. Certainly that is better than to make bombing targets of areas of high population density.

So I think, despite the foreboding cries of the risk of confrontation with the Russians, the step the President has taken is eminently proper. As a matter of fact, there has been no response from the Soviet Union, and the mines were sown

some 15 hours ago. I think it is not responsible to create a lot of scare talk about nuclear war around here when as a matter of fact I do not think the Soviet Union wants a direct face-to-face confrontation with the United States of America.

Mr. BAKER. Mr. President, the new peace proposals and military actions announced last night by President Nixon represent, in my judgment, a measured, courageous, and necessary response to the overt military aggression of North Vietnamese regular troops against South Vietnam and other southeast Asian nations.

The situation is serious, and there is a potential for peril. But that potential need not be realized if all parties concerned conduct themselves with intelligence and restraint.

Of particular importance is the need for a united American people behind the President at this time. While responsible debate on Vietnam policies may continue during this time, I hope and pray that no American will endanger the chances for peace through thoughtless and carping criticism.

There were options available to the President that certainly would have been much more palatable politically, at least in the short term. He could, for example, simply have removed all American troops at once and left the South Vietnamese to fend for themselves. But this is a man of great strength and courage, who knows exactly what the risks are. He has often been described as a man motivated solely by political consideration, with no scruple or principal. Now, he has clearly put what he believes is right above his own political career, and laid that career on the line. He deserves our support during this period of stress. November will have to wait its turn.

The American Government and the South Vietnamese Government have never sought the military conquest or the political domination of any other sovereign nation. Aggression in Southeast Asia has always been on the part of the Government of North Vietnam and those nations which supply that government with the machines of war. All that Saigon and her allies have ever sought was the right to choose their own political system free from military coercion.

The policy of President Nixon since taking office has been to strengthen the capacity of the South Vietnamese to defend their own freedom, steadily withdrawing over 500,000 American troops, and all the while pressing for a negotiated settlement to the conflict in Paris and through all available channels. The North Vietnamese have remained obdurate and intransigent.

Now, in light of the new North Vietnamese military offensive in the South, the fate of the remaining American troops is in jeopardy. Without adequate military supplies, the North Vietnamese offensive will be blunted. That is the meaning and purpose of the President's plan to interdict those supplies, whether transported by land or sea.

One of the most remarkable aspects of the President's address last night was the extent to which he sought to reassure the Soviet Union that the military ac-

tion he was taking was in no way directed at Moscow. He noted that:

We, the United States and the Soviet Union, are on the threshold of a new relationship that can serve not only the interests of our two countries but the cause of world peace.

It is a matter of the very highest importance that this new relationship, as symbolized by the upcoming summit meeting in the Kremlin, not be disturbed by the latest developments in Vietnam. The leaders of the Soviet Union are in a unique position to respond affirmatively to the President's message and to exert a positive influence on their allies that could lead to a prompt peace.

For peace, after all, is the issue. Last night the President made what is, far and away, the most generous peace proposal ever made by an American Government in time of war. In exchange for an internationally supervised cease-fire on the ground, and the release of all American prisoners of war, the President has offered a total withdrawal of all American troops within 4 months, and a total cessation of all "acts of force" throughout Indochina.

The military actions that the President has taken are those calculated to result in minimum loss of life. The peace proposal of the President holds out a real promise for an end to the fighting. The final decision now rests with the North Vietnamese and their allies. Let us all pray that they will respond in such a way that a permanent peace can be maintained.

I applaud the President for his courage and restraint, and I support him fully in his efforts to end this long and tragic war.

Mr. GOLDWATER. Mr. President, I rise for the purpose of paying my respects to the majority leader, to welcome him home, but also to plead with my fellow Senators that they follow his example in the use of freedom of speech.

I have never known Senator MANSFIELD to become vehement. I have never known him to use language that might arouse people. He reminded us of the first amendment and our rights under it, and he criticized the President in what I would consider a moderate and very limited way.

I think it is going to be more and more necessary to remind ourselves that while we can use violent rhetoric in this body, I do not think at this particular time in history it is going to be of any advantage.

I found very interesting a part of an editorial which appeared in today's Washington Evening Star, and I would particularly like to read the last two paragraphs:

What clearly is not needed at this time is a frantic or angry reaction to the President's move in Congress, on the campuses or in the streets. Americans are a free people and have the right to disagree with the wisdom or efficacy of Mr. Nixon's action. Indeed, all of us will have the opportunity to pass judgment on the rightness or wrongness of that action when we go to the polls in November. But it would be contrary to the national interest in this crucial test were the support for which Mr. Nixon has asked denied him.

The point is this and only this: For better or worse, the President has taken what he himself has described as "a decisive ac-

tion." The die is cast, the Rubicon is crossed. If he fails, not only he but each of us will be the loser; if he wins, all of us benefit. Under such circumstances, the place of this newspaper is behind the President of the United States. And we believe that on that firm ground we will find ourselves in the company of the great mass of all Americans.

The ACTING PRESIDENT pro tempore. Is there further morning business?

#### UPPER COLORADO RIVER BASIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 750, H.R. 13435, which I understand has been cleared on both sides and is available for action at this time.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That in order to provide for completion of construction of the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units, and transmission division of the Colorado River storage project, and for completion of construction of the following participating projects: Central Utah (initial phase—Bonneville, Jensen, Upalco, and Vernal units), Emery County, Florida, Hammond, LaBarge, Lyman, Paonia, Seedskadee, Silt, and Smith Fork; the amount which section 12 of the Act of April 11, 1956 (79 Stat. 105) authorizes to be appropriated is hereby further increased by the sum of \$610,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. This additional sum shall be available solely for continuing construction of the previously authorized units and projects named herein.

Mr. MOSS. Mr. President, I rise to support this bill (H.R. 13435) as amended which increases the authorization for appropriation for continuing work on the Colorado River Basin Project.

The bill, as amended and reported by the Senate Interior Committee, contains the text of the bill which I introduced, and provides for authorization of \$610 million, the amount requested by the Department of the Interior as necessary to complete the job. The House bill provides for the authorization of only \$352,195,000, with the proviso that this amount must be spread out over 5 years, and that the Department must come back to Congress for additional authorization at the end of that period.

I feel very strongly that the full amount requested should be authorized. The argument has been offered by the House that only \$352,195,000 will be required to meet the present construction schedule on the already authorized projects eligible for these funds.

I can not buy this argument. If it is

found during the 5-year period that construction schedules can be stepped up, and that additional construction funds can be made available within budget limits, then the authorization should be available.

We are running out of water very fast in many areas of the upper basin. We should move forward on our water development projects as rapidly as planning and budgetary limits will allow us to do so. Water development has been greatly retarded because of demands of the war in Vietnam. We hope these restraints will soon be lifted. A readjustment of national priorities should provide more funds for essential domestic projects—and what could be more essential to scores of western communities than enough water for industrial and municipal use as well as water for land to grow the food we need for our expanding population.

One of the key units of the Upper Colorado River project is the central Utah project. And central to that project is the Bonneville unit. This unit, authorized in 1956, became a construction start in the mid-1960's only because the Congress wrote funds for it into the budget. It has been given only token funding since that time. This year, for the first time, the budget request—some \$29 million—for the Bonneville unit is at a realistic level. We must move this project faster. If we do not, it will take 50 years to complete. The Utah communities depending on Bonneville for tapwater cannot wait that long. If we can find any conceivable way to get water in the pipelines faster than we are now, we do not want lack of authorization to hold us up.

I recognize that the Department can always come to Congress for more authorization authority but that takes time—as witness the bill before us today.

This bill must be passed and signed before reclamation appropriations bills now under consideration by the Senate and House Appropriations Committees can be enacted. The funds requested for these projects for fiscal 1973 will exceed the present authorization ceilings. I am going to testify next Tuesday before the Public Works Appropriation Subcommittee on central Utah appropriations requests—and they are not authorized yet. Why let ourselves in for another cliff hanger in a few years—why not authorize the funds now that will be needed to complete the projects provided for in the original Upper Colorado River Project Act of 1956, and get on with the job without any further delay.

Mr. President, I ask that the bill before us (H.R. 13435) as amended, be passed. I hope that the House of Representatives will see that the weight of the argument is on the side of the Senate version of the bill.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, how much remains of the time designated for

the transaction of routine morning business?

The ACTING PRESIDENT pro tempore. There are 2 minutes remaining.

Mr. MANSFIELD. I ask unanimous consent that the time for the transaction of routine morning business be extended until 1 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE PRESIDENT'S SPEECH ON VIETNAM

Mr. GURNEY. Mr. President, last night President Nixon delivered one of the most important—one of the most difficult—speeches any American President has ever had to deliver. The issue is clearcut and the President met it head on with one of the most straightforward, courageous speeches any President has ever made.

As the President stated, our choices were either to take decisive action to stem the massive invasion of South Vietnam or to place in grave jeopardy the lives of some 60,000 U.S. troops in South Vietnam and to surrender 17 million South Vietnamese to communism.

Since the North Vietnamese have met every U.S. peace initiative with an escalation of their offensive in the South, the alternatives of withdrawal and dependence on a negotiated settlement hold little hope of protecting U.S. troops, U.S. honor, or the South Vietnamese. Until the North Vietnamese are willing to cease their aggression in Indochina, I feel that the President's actions are fully justified and offer the best hope for world peace.

As a matter of fact, I advocated the mining of Haiphong harbor 6 years ago and have felt that, if the Communists refused to give up their dreams of territorial aggrandizement, such a course of action would be most appropriate. I only hope that it is not too late for this mining to have the desired effect. Should it not be enough to convince the North Vietnamese to quit, I think that their dikes, their industrial capability, and anything else being used to support their aggressive war of massive invasion should be attacked by air. The day of sanctuaries for aggressors is at an end.

President Nixon has also offered an eminently fair peace proposal: After our prisoners are returned and an internationally enforced cease-fire throughout Indochina implemented, we will withdraw our forces in 4 months. As the President said last night in far better language than can I, "these are terms which would not require surrender and humiliation on the part of anybody."

This is more than fair to the North Vietnamese, for the political settlement

of this future of this unhappy land is left to the Vietnamese, South and North, themselves.

If these terms are accepted, the integrity of North Vietnam will not be threatened, while the basis for a lasting peace in all of Indochina will be laid.

As for a possible confrontation with the Soviet Union, I do not see that at all. They are not involved with their forces. They are only furnishing supplies. They are a big power, as are we, and they fully realize that, with the lives of U.S. troops at stake, we must do what we have to do. Were the roles reversed, they would do the same, or even more, as witness the Hungarian and Czechoslovakian invasions.

Moreover, the Russians have a great deal at stake. They desire easing of tensions between Russia and the United States, East and West, more than we do. The President has thrown the ball to them, and whether they fumble or not is up to the Russian leaders. I do not think that they will want to forego this real possibility for better understanding with the United States and the easing of tensions for the sake of their conquest-crazy client in North Vietnam.

Mr. President, it occurs to me that this long, tragic war in Southeast Asia has now come to the 11th hour, the final, decisive stage, and this action of President Nixon's may well set the stage for peace.

We have a wise courageous leader in the White House who has taken decisive action in this conflict in Southeast Asia.

Now is the hour of crisis when the Nation should rally behind the President. My guess is that the majority of the people in the Nation will do just that.

I would hope that Congress would, and especially the Senate.

It would shame me as a U.S. Senator to witness the President and the people trying to drag along with them a reluctant Congress.

If Communist aggression is to be halted, both now and in the future, decisive action has to be taken. The President has taken that action, and this Senator is 100 percent behind him for having done so.

#### THE PRESIDENT'S SPEECH

Mr. BELLMON. Mr. President, I believe that the action taken last night by President Nixon should have been taken when the first American combat troops were sent to Southeast Asia, and this war would have long since been finished if the leaders had acted as decisively at that time.

As President Nixon dramatically pointed out last night, every possible effort has been made to secure a settlement of the war. President Nixon took his action only after North Vietnam had invaded South Vietnam and after North Vietnam had occupied large areas of South Vietnamese territory.

The President faced a plain choice, to act now or to accept the prospect of a spread of military aggression to many parts of the globe and for many years to come.

The President's action has bared the duplicity of Soviet foreign policy for all

the world to see, for while the U.S.S.R. has been talking peace in Europe and trying to secure approval of the German-Russian peace treaty, the Soviet Union has been sponsoring war in Asia. The Soviets cannot have it both ways.

It is plain to see that aggression against South Vietnam began when the U.S.S.R. started to furnish tanks and heavy artillery to destroy South Vietnamese cities and slaughter South Vietnamese citizens.

The next move is plainly up to the U.S.S.R.

If the leaders of the Soviet Union want peace elsewhere, they must act now to bring peace to Southeast Asia.

President Nixon displayed cool, deliberate, and reasonable leadership last night, particularly since the decision was made before the scheduled summit meeting in Moscow and during an election year here at home. This is certainly his most difficult and also his finest hour. He deserves the support of the country and of this body.

I, for one, intend to give him the fullest support in this difficult time.

#### VIETNAM AND THE CONSTITUTIONAL CRISIS

Mr. McGOVERN. Mr. President, it is plain now that the President must not have a free hand in Indochina any longer.

The Nation cannot stand it.

The Congress must not allow it.

I have said that the political regime in Saigon is not worth the loss of one more American life.

Mr. Thieu, whose comfort has been bought at such terrible cost for the American people, is not worth 1 more day of confinement for our prisoners.

He is not worth 1 more day of suffering for the helpless Asians we have pounded so mercilessly for so long.

And today I say to the Senate with special urgency, Mr. Thieu is not worth the sacrifice of our constitutional system.

The President has now taken the most dangerous act of this war.

He has transformed a struggle with no bearing on our national interest, into a deadly confrontation between great powers.

A President who promised a "generation of peace" has made the world more dangerous for all mankind.

And he has done it without so much as a glance toward Capitol Hill.

In March of 1969, with Americans still dying and falling from the sky in Indochina, I thought we had waited long enough to see the President's secret plan for peace.

But the President was stanchly defended. It was said he deserved more time.

In 1970 the Senate rejected the Hatfield-McGovern amendment and other measures to reassert congressional authority. The Commander in Chief, it was said, needed a free hand.

Again last year, the Hatfield-McGovern amendment, the Chiles substitute, and other fund cutoff proposals were defeated. We settled for an impotent, nonbinding plea to the President—a plea he told us in advance he would ignore.

We have occupied ourselves with the periphery.

We have focused on the past—on the fraudulent circumstances which involved us in Indochina.

The Gulf of Tonkin resolution was repealed. And the boys kept dying. The bombs kept falling.

We have focused on future wars—on steps to define more precisely who holds the power of war.

And the blood kept running.

The Congress has debated, dawdled and delayed for nearly 40 months. All that time we have deferred to the President.

We have given him 20,000 more American dead, 200,000 more wounded, hundreds more prisoners, and tens of billions more dollars, to pour away on a policy we knew would not work.

Now the President's program called "Vietnamization" stands exposed as a failure. It is crumbling before our eyes.

And we see now the full extent of the arbitrary war power claimed by Mr. Nixon, as he grasps at still more deadly straws that will turn to fire in his hands.

The chairman of the Armed Services and Foreign Relations Committees are turned away at the White House door as he plots and carries out the latest and most serious escalation of the war.

The Congress is not consulted. The Congress is not even trusted as the President flirts with world war III.

What more must we see before we call our country back from disaster?

Must we wait until there is open war on the seas?

Must we wait until the President sends American planes North to intercept a Russian airlift to Hanoi?

Must we wait until he bombs the ultimate sanctuaries and supply routes, in Moscow and Peking?

It is clear now that the President may claim that authority. After seeing his latest irrational act, who is confident that he would not use it? If the President can unilaterally place mines before the ships of other nations without the approval of Congress, then the constitutional war powers of the Congress are dead.

We cannot permit this outrageous spectacle to continue. We are faced with deadly danger abroad and an unprecedented constitutional crisis at home.

The hope of the American people now lies with the Congress, and there is no other hope—from now until the election next fall.

I propose immediate action by Congress to end the war.

I propose immediate action to tie the President's hands, to stop the insanity in Indochina, and to choose the course of decency and responsibility which the American people overwhelmingly want.

I, therefore, ask unanimous consent that my name be added as a cosponsor of Senator Brooke's amendment. We must enact it as quickly as we can.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that a statement issued by the distinguished Senator from

Oregon (Mr. HATFIELD) be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

None of the military escalations of the past, of either Presidents Johnson or Nixon, has accomplished the objective of shortening the war or saving American lives. This unnecessary escalation and expansion of the war will serve no other purpose than to continue the killing and threaten even further expansion.

This unconscionable commitment to the Thieu regime is not worth the expense of one more American or Vietnamese life, and is not worth an 18th Century concept of face-saving for national pride.

#### NEW INDOOR THEATER AT LONG BINH, VIETNAM

Mr. HARRY F. BYRD, JR. Mr. President, the Wall Street Journal for Monday, May 1, 1972, reported the opening of a new indoor theater at Long Binh in South Vietnam at a cost of \$445,000.

I became curious about this, as to why, with the President's withdrawal program going on, we would want to build a new facility of this kind—a new indoor theater in South Vietnam.

I communicated with the Department of the Army and today I received a reply from them. I find that construction of this theater began only 4 months ago. It was completed on April 29. The Army puts the cost at \$305,000.

Whether it cost \$305,000 or \$445,000, the fact is, it is the American taxpayers' money being used. It is true that such a sum is not a vast amount when one considers the great amounts of money now being spent by our Government. But it does not seem reasonable to me to continue to build new facilities in South Vietnam of this kind at a time when the President is withdrawing our troops at the rate of 23,000 per month. There are approximately 69,000 troops remaining in South Vietnam. By July 1, the number will be down to 49,000.

So I believe that the Army, the State Department, our Ambassador in Vietnam, and others involved, have an obligation to safeguard in better fashion the funds of the American taxpayers. I do not see any justification for building a new theater in this year of 1972 in Vietnam at a cost of somewhere between \$305,000 and \$445,000.

Mr. President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal article I have referred to and the correspondence from the Department of the Army to me on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUST LIKE HOME: IN VIETNAM, THE PLACE TO BE AS WAR RAGES ON IS LUXURIOUS LONG BINH

(By Peter R. Kann)

"Entertainment for troops stationed at Long Binh post takes another step forward Saturday with the grand opening of a new \$445,000 movie theater. Located on Tennessee Street near the Pacesetter Service Club and the Long Binh Crafts Shop, the centrally air-conditioned theater can accommodate

450 patrons"—The Long Binh Post, issue of April 11.

LONG BINH.—Long Binh lies about 20 miles north of Saigon, roughly one-fourth of the way to An Loc, where North and South Vietnamese regiments are decimating each other in some of the heaviest fighting in the history of the Vietnam war. At least 1,000 South Vietnamese soldiers are dying each week in the current nationwide Communist offensive, and the future of "Vietnamization"—if not of South Vietnam—hangs in the balance.

But you wouldn't know it at Long Binh. Saigon is in many ways an island in the war, but Saigon at least is a Vietnamese island. Long Binh is an American oasis. The enemy offensive has prompted some special defensive precautions at Long Binh, but as one colonel says, "The only real change is that the clubs have to close early so the Vietnamese girls can get home before curfew."

Long Binh, 17,000 acres of Americana housing 14,000 American military men and another 7,000 U.S. civilian contract personnel, is the biggest U.S. base in Vietnam and indeed the biggest overseas American military post in the world, according to officials here. Long Binh's acreage and population have been reduced somewhat since the peak years of the war, when 27,000 Americans resided here, and troop cuts at the base are continuing. But Long Binh still is likely to be one of the very last U.S. installations closed down. If and when it is "Vietnamized" one can only wonder what the Vietnamese will do with a base that is larger than the city of Saigon.

#### LITTLE TO DO WITH WAR

With its movie theaters and bowling alleys, massage parlors and male beauty salons, air-conditioned offices and Vietnamese servants, Long Binh must rank as the most comfortable post in this not-very-comfortable country.

And, with only one company of combat infantrymen, 122 men, among the 14,000 soldiers stationed here, it probably also ranks as the least combat-oriented collection of military men in any war zone. In fact, the functions being performed by the 21,000 Americans at Long Binh have little to do with fighting a war or even with directly helping the South Vietnamese to fight one.

The post's primary function, according to briefing officers, is "retrograding" American military equipment. This means collecting, repairing and then shipping home (or otherwise disposing of) the millions of tons of equipment the U.S. military has used in Vietnam. "We're tidying up the battlefield," says a briefing officer. While the task is no doubt admirable, the phrase sounds a mite ironic at a time when Vietnam's battlefields are being rendered "untidier" than ever before with the broken bodies of contending Vietnamese.

The second major function here is supporting other American units in Vietnam. But since there are only two American combat brigades left in the country, plus some air squadrons, most of the U.S. troops being supported by Long Binh are themselves support troops of various sorts.

"Actually, a lot of us just support each other," says an infantry sergeant who found himself assigned here as a clerk.

Long Binh also houses "USARV," which is the administrative headquarters of the U.S. Army in Vietnam. This helps account for why there are 12 generals living on the base. However, the operational headquarters of the U.S. military effort in Vietnam (and the office of the U.S. commander, Gen Creighton Abrams) are not located here, but rather at Ton San Nhut airbase on the outskirts of Saigon.

#### BRONTOSAURIAN LOGISTICAL TAIL

Critics of the remaining U.S. military presence in Vietnam can use Long Binh as an example to argue that many of the 70,000

American troops still in Vietnam are performing something less than vital tasks and that troop withdrawals should be accelerated. Critics of the way America has fought the Vietnam war can argue that Long Binh exemplifies the brontosaurian logistical tail of the U.S. military; even in the peak of the American war effort, logistical and administrative troops outnumbered combat soldiers by a ratio of about five to one, and by now the ratio is well over 10 to one. It can also be argued that the comfort (or, by Vietnamese standards, luxury) of a base like Long Binh represents an affront to the average, often miserable, Vietnamese on whose behalf Americans presumably are here.

Defenders of the system, on the other hand, can claim that residual tasks like "retrograding materiel" are important—at least to the U.S. taxpayer. They can point out that troop withdrawals are proceeding despite the enemy offensive, President Nixon having announced last week that another 20,000 troops will be withdrawn by July 1. More generally, defenders of the U.S. effort would argue that America's massive military support apparatus has enhanced the efficiency and safety of the combat infantryman. And defenders can note that the comforts of an oasis like Long Binh are part of a plan to keep U.S. troops off the streets of Vietnamese towns and to prevent them from further warping the economy and society of the Vietnamese.

If any place in Vietnam can be considered really safe, then that place is probably Long Binh. The last enemy-inflicted deaths here were from several rockets that landed inside the base in March of 1971, killing two soldiers. The last time the base perimeter was penetrated was back at Tet of 1968 when some Vietcong sappers managed the feat.

But back in those days there were battalions of combat troops based at Long Binh, and there were three American divisions operating in the general military region that includes Long Binh. Now there are only the one infantry company plus some military police based at Long Binh and only one brigade of U.S. combat troops in the military region.

The current enemy offensive is still mostly raging in border regions, and U.S. installations do not seem to be a prime target for the North Vietnamese, at least at this stage. But if the offensive continues to build, if the South Vietnamese army breaks rather than bends, if the South Vietnamese government should topple or chaos should otherwise engulf the country, what would become of Long Binh?

Perhaps with such thoughts in mind, however remote the likelihood, Long Binh is taking special security precautions.

The outer perimeter of Long Binh is 23½ kilometers long and is defended by 100 two-man guard positions. Guard duties are shared, on a rotation basis, by all the various units at Long Binh, engineers, clerks, mechanics, publicists and so on. The guards have recently been issued new, heavier weapons, including antitank guns (the North Vietnamese have been using tanks at An Loc and elsewhere in this offensive).

The sole infantry company and a company of military police have been assigned duty as a ready-reserve force in case the perimeter is attacked. Two weeks ago the infantry company arranged a "simulated attack situation."

"We simulated against four tanks and some infantry," says Capt. James Kuykendall of Echo Company. Did you win? he is asked. "Yup," he says.

An inner perimeter has also been mapped out for the "extremely unlikely case of penetration and fallback," explains Maj. Hugh Sproul, a base operations officer whose office wall is decorated with photos of a mock sapper attack.

A brigade of the 1st Air Cavalry Division (one of the two U.S. combat brigades left in

the country) is based five kilometers from Long Binh and could land troops here by helicopter in case of serious attack.

All officers at Long Binh have been issued weapons, though the enlisted men have not been. This is presumably to keep the accident rate down. Already one officer, handling a weapon in bed, accidentally discharged a bullet through the ceiling of his barracks, nicking an upstairs officer in the ear. The victim ran downstairs and proceeded to beat up the man whose weapon had gone off. Both officers had to be hospitalized.

There are many officers at Long Binh who, having pursued noncombat career specialties, may not have had any infantry training since they first entered the Army. They are simply required to pass a weapons-familiarization test once a year.

Still, everyone at Long Binh, through the rank of lieutenant colonel, is being required to take a turn at walking night guard duty around his own billet. "Initially the order included full colonels," says a briefing officer, "but they griped a bit."

Long Binh also depends on Vietnamese for protection. There are some 30 to 40 platoons of regional and popular force militiamen deployed outside the perimeter of Long Binh. And Long Binh recently hired 160 Montagnard mountain tribesmen mercenaries, trained by the U.S. Special Forces, to help patrol within the perimeter. The Montagnards are being issued "distinctive uniforms"—black shirts, maroon berets and what Maj. Sproul calls "flashy patches."

But none of the new defense precautions have had much impact on the eight-to-five office routines and varied social life of Long Binh.

On any given evening there are more than 100 movies being shown at Long Binh. There are 10 large club-bars on the base and another 50 or more smaller unit bars. There are 10 small swimming pools, and there's a new Olympic-size pool still under construction. A new bowling alley is also nearing completion. (Do the Vietnamese bowl? asks a reporter, thinking of the day when Long Binh might be "Vietnamized." "No, but I guess they'll learn," say an Army spokesman.)

The base sporting program includes basketball, baseball, flag football, volleyball, tennis, squash and archery. There are a golf driving range and a skeet shooting range, and the Long Binh newspaper recently invited "hunting, fishing and camping enthusiasts" to the organizational meeting of a new rod and gun club. The base drama society has fallen on hard times due to personnel transfers, but Maj. P. R. Kringle Jr., special services officer, says the base retains a "drama capability."

There are handicraft workshops, a photo lab and a lapidary shop, along with Bingo tournaments, bridge contests and dating games. A massage parlor offers steambaths and massages by Vietnamese girls. ("A towel must cover the body at all times," says a sign.) A male beauty bar offers treatment with "cologne, after shave, tonic, hair cream, lotion, deodorant, hair spray and Q-tips." There's also a manicurist on duty.

Upward of 20,000 Vietnamese employees work at Long Binh, including a variety of servants for the American military men. "Housemaids" tidy up barracks, do soldiers' laundry and polish their shoes every day. Such services are provided for all troops on the base, not just for officers. "They iron everything, even underwear," says one sergeant. Other Vietnamese serve at tables in the clubs and do the more menial chores in mess-hall kitchens. There is no KP duty at Long Binh, except during the annual Tet holidays when Vietnamese workers take a week's vacation.

It's conceivable that the very vastness of this base and its most un-Vietnamese character are its best protection. One can imagine

the bewilderment of a company of North Vietnamese soldiers, having survived the rigors of the Ho Chi Minh Trail and the ferocious fighting at An Loc, who might find themselves on, say, Tennessee Street, near the Pacesetter Service Club. One can imagine them searching for the manicured lawn of USARV headquarters and somehow winding up at Robin's Skeet Range instead. "If we ever really got attacked the VC would have to use the scheduled bus service to get around this base," says a smiling colonel.

MAY 9, 1972.

HON. HARRY F. BYRD, Jr.,  
U.S. Senate.

DEAR SENATOR BYRD: This is in reply to your questions concerning the indoor theater constructed at Long Binh, Vietnam.

The project for a 35 mm indoor theater was approved by HQ, MACV in late 1971, and construction started shortly after 1 January 1972. It was completed on 29 April, at a cost of \$305,000.

Construction of the above listed facilities was approved based on the projected troop population and stationing plans for residual U.S. Army elements at Long Binh, RVN. The facilities were deemed essential to provide recreational services for Army personnel at Long Binh. The 35-mm theater is the only such facility at Long Binh. The progress of construction projects completed since 1 January 1972 was continuously reviewed for possible cancellation in the event force level plans indicated that course of action to be proper.

Funds for this project were AIC funds. All means Assistance in-Kind Plaster accounts provided by the Government of Vietnam to MACV, under the Pentaltal Mutual Defense Agreement between the United States, France, Cambodia, Laos and Vietnam, signed in December 1950.

I trust this information will be of assistance.

Sincerely,

L. STEPHEN QUATANNENS,  
Lt. Col., GS Deputy, Congressional Inquiry Division.

MAY 9, 1972.

HON. HARRY F. BYRD, Jr.,  
U.S. Senate.

DEAR SENATOR BYRD: This is in reply to your inquiry concerning recreational facilities for servicemen in Long Binh.

Commensurate with the Army's declining combat involvement in Vietnam, emphasis has been placed on providing the American soldier with sufficient activities and facilities to afford him the opportunity to spend his leisure time in a productive fashion. The availability of such activities and facilities decreases the potential for morale and discipline problems that result from boredom and lack of meaningful free time activities.

Recognizing the increased athletic and recreational facilities and programs were required to provide for the morale and welfare needs of the troops during the withdrawal period, this command proceeded with plans originally formulated in 1970 to complete and operate the athletic and recreational facilities mentioned in the article sent to you by your constituent. The cost of the theater was \$305,000 and was constructed through the use of Assistance-in-Kind Plaster funds generated as credits from commodity sales. It is centrally located to service all personnel stationed on Long Binh Post. The 35-mm theater is the only such facility on Long Binh Post, and troop reaction to the state-side theater environment has been enthusiastic and favorable since the opening of the theater.

Long Binh currently has a troop population of approximately 14,000. The theater and other recreational facilities are the minimum necessary to meet the recreational needs of American soldiers stationed there, since for

security and other reasons soldiers are not permitted to visit local Vietnamese population centers. Approval of construction of the facilities was based on projected population and planned use of Long Binh Post, consistent with the ongoing troop reductions throughout the Republic of Vietnam.

I trust this information will be of assistance.

Sincerely,

L. STEPHEN QUATANNENS,  
Lt. Col., GS Deputy, Congressional Inquiry Division.

The PRESIDING OFFICER. The time for the period of the transaction of routine morning business has expired.

#### ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that there be an extension of the period for the transaction of routine morning business for an additional 10 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

#### IN SUPPORT OF PRESIDENT NIXON

Mr. DOLE. Mr. President, I just returned from the heartland of America, the Kansas-Missouri area, where I spoke last night following the President's address on television. I found that people in that part of the country—and throughout the nation—generally support the President and are hopeful that his policies for peace will succeed. I have returned to the Senate to hear the junior Senator from South Dakota (Mr. McGovern) condemn President Nixon, but I do not hear one word uttered in condemnation of North Vietnam or of the enemy in Indochina. This has been the pattern for the past few weeks: condemnation of the President, silence about the enemy's aggression.

There is always room for criticism of any President. President Nixon is not above criticism, whether it be partisan or otherwise. I am certain that he expects criticism. Being a Republican and occupying another role other than that of U.S. Senator, I would not expect that everything President Nixon were to do in every area would be completely satisfactory to the junior Senator from Kansas. But I also believe that the critics should be reasonable and should be fair to the President and should refrain from automatic criticism of whatever action he takes.

Mr. President, I listened carefully last night to President Nixon and believe the President again went the extra mile in search of peace. The President's action was both bold and necessary, and it is my sincere hope that the time will never come in America when any President fails in his responsibilities to American troops or fails in his responsibilities to the American people or fails in his responsibility to an ally and a people who seek freedom.

President Nixon, like President Johnson and President Kennedy before him, understands the grave responsibility in Southeast Asia. Certainly President Nixon, as President Johnson and Presi-

dent Kennedy before him, wants peace in Southeast Asia, and wants peace in the rest of the world. But President Nixon has an added responsibility or a different responsibility, because in the past 3½ years we have seen a deescalation of the war in South Asia. We have seen nearly a half million Americans removed from Southeast Asia.

The policy of Vietnamization is being tested and severely tested. However, I am not willing, as the junior Senator from South Dakota is always willing, to conclude that our policy is a failure in Southeast Asia, that Vietnamization has collapsed.

Mr. President, I believe I share the view of most Americans, regardless of party, that there comes a time when we must rise above partisanship and support the Government—not necessarily the President, because some may not like the President—but our Government. Our Government does have a very serious responsibility and obligation in Southeast Asia, as it does in the Mideast and in other areas of the world.

President Nixon added a new dimension to the effort for peace last evening when he made it very clear to the North Vietnamese that if there is a cease-fire and if the prisoners of war are released in North Vietnam, all American troops will be withdrawn in 4 months. That point has been the subject of debate in this body, and there have been differences of opinion. It is my belief that most Senators would like to see that happen, but at the same time I also believe that those who are so quick to criticize should have some alternative, should offer some responsible alternative, and should be responsible in what they are saying, because I am convinced that the North Vietnamese are listening and are looking for a public relations victory when they cannot achieve a military victory.

Mr. President, without question the President was taking a risk. He understands that. President Kennedy also understood that in the Cuban crisis. Every President takes risks if he fulfills his responsibility as President.

The junior Senator from Kansas would hope that, at least for a few days, those of us who speak could from time to time support our Government in its efforts to end the war in the Southeast Asia—not to extend it, not to expand it, and not to escalate it.

In the Senate as we look at the record of President Nixon over the past 3½ years, I find it steady. It shows a continuous deescalation, and half a million Americans have come home in 3½ years under President Nixon's leadership. The casualties have been reduced by some 90 percent. I would like to have it 100 percent, as does the Presiding Officer and every other Senator in the Chamber.

Everyone in this Chamber, every Member of this body, wants to see the war end in Southeast Asia, and so does the President. I do not know of any Senator or any public official or any private citizen who has a greater desire for peace than the President has.

I recall the days of the Gulf of Tonkin debate and the passage of the Gulf of Tonkin joint resolution and the escalation in Southeast Asia, and my support

of those policies. As I have said, perhaps I have been mistaken. Perhaps the Senator from Kansas and others who were here in Congress during that period were mistaken. However, it is well to point out that during that period, President Nixon had no voice. He had no vote. He had no policy. He was a private citizen. He did not authorize sending a single American to Southeast Asia in the years from 1963 through 1968 when more than 500,000 were sent. But to repeat, under his leadership a half million men have been returned to this country.

The Senator from Kansas would hope that the war would end today, yesterday, next week, or soon. However, I do not believe we hasten the end by criticizing the Commander in Chief, who has a responsibility to 60,000 Americans in Vietnam, when that Commander in Chief has added a new dimension to the efforts to end the war.

Mr. WEICKER. Mr. President, I am sure that last night's decisions, as announced to the American people, were difficult ones for the President of the United States.

I have not commented on them at this point because it seems to me that careful analysis, rather than rhetoric, best serves both our remaining American men in Vietnam and the broader national interest. However, I now give my reaction here on the floor.

It is, first, that I reiterate my support of the President in all of the steps he has taken to date, including those announced last night, because I share with him a primary concern over the withdrawal in safety of American troops from South Vietnam.

Second, I intend to support such legislation as may come before the Senate, which legislation would preclude any further funding for American operations in and over Indochina after December 31 of this year, or at the end of the 4-month period contained in the President's peace proposal, whichever date is sooner.

It will be said that this reaction cares not a whit for either the North Vietnamese or the South Vietnamese. That is exactly what it is intended to say.

Mr. JAVITS. Mr. President, I will put my own views in the RECORD, in view of what I have just heard from my colleagues.

Last night, I issued a statement in which I urged the President, in the spirit of the war powers bill which we have already passed here, and in the face of the crisis which he and the country might face respecting the Soviet Union or the Peoples Republic of China, to repair to Congress in order to justify his action, to get our thinking, to ascertain if we had anything to urge that we thought was more desirable, and to cause Congress to participate and concur in any final decision, in so grave a crisis.

The PRESIDING OFFICER. The time for the period for the transaction of routine morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for not to exceed 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I commented last night that the President's announcement is the inevitable result of the gravely mistaken course of action our country has taken in Indochina. The United States should have disengaged from Vietnam long before this—a course of action which I and so many others have worked to bring about.

Now we must face the sequel of our failure to withdraw in a timely manner.

Since then I have had a chance to refine my thinking. In my judgment, the President has to justify his new action directly in terms of getting 60,000 Americans withdrawn safely. We must unscramble the decision he seemingly has taken, of giving an indefinite underwriting and guarantee to the government of South Vietnam too. This we cannot do in the national interest of the United States.

Therefore, I find myself also aligned upon the side of those who believe that Congress must seek to induce the President to end our military operations there now. I believe that it is absolutely essential in our own national interest to get our troops out. We have already expended our Nation's resources, both tangible and intangible, most improvidently in Vietnam.

If the South Vietnamese, who are as well equipped as North Vietnam and as well trained as the North Vietnamese, who are not 9 feet tall, do not have the heart to resist the Communists, we cannot do it for them, or underwrite their survival as a state.

I hope the President will not make the mistake made before in Vietnam by his predecessor, and to come to us just to ask us to vote yes. We should not do it. He must come to us as full partners so that whatever national decision is taken, the Congress will have joined in it.

The result may not be the decision I want, but it would be a decision in which the total organs of the country will be committed, and in accordance with the constitutional processes of our system of government.

I believe that the national decision should be to get out, and to take only those military actions necessary to get us out.

#### ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following letters, which were referred as indicated:

##### REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report entitled "Need For Improvement in Readiness of Stra-

tegic Armed Forces" (with an accompanying report); to the Committee on Armed Services.

#### REPORT OF THE COMPTROLLER FOR THE VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, the annual report of the U.S. Government Comptroller for the Virgin Islands for the fiscal year ended June 30, 1971 (with accompanying report); to the Committee on Interior and Insular Affairs.

#### METALLIC AND NONMETALLIC MINING IN THE UNITED STATES

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract for a study of "Metallic and Nonmetallic Mining in the United States" (with accompanying papers); to the Committee on Interior and Insular Affairs.

#### CHARACTERISTICS OF ATTACHED RADON-222 DAUGHTERS

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract for a research project entitled "Characteristics of Attached Radon-222 Daughters" (with accompanying papers); to the Committee on Interior and Insular Affairs.

#### PROPOSED LEGISLATION RELATING TO THE DEPARTMENT OF JUSTICE

A letter from the Acting Attorney General submitting proposed legislation to make level III of the Executive Schedule applicable to the Special Assistant Attorney General, and to make level IV of the Executive Schedule applicable to the U.S. attorney for the central district of California (with accompanying papers); to the Committee on the Judiciary.

#### APPENDIX TO REPORT ENTITLED "MARIHUANA: A SIGNAL OF MISUNDERSTANDING"

A letter from the Chairman, National Commission on Marihuana and Drug Abuse, transmitting, pursuant to law an appendix to the report entitled "Marihuana: A Signal of Misunderstanding" (with an accompanying document); to the Committee on the Judiciary.

#### REPORT OF THE RAILROAD RETIREMENT BOARD

A letter from the Chairman of the Railroad Retirement Board transmitting, pursuant to law, the annual report of the Railroad Retirement Board for the fiscal year ended June 30, 1971 (with accompanying report); to the Committee on Labor and Public Welfare.

#### PROPOSED LEGISLATION TO AMEND THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965, AS AMENDED

A letter from the Secretary of Commerce submitting proposed legislation to amend the Public Works and Economic Development Act of 1965, as amended (with accompanying papers); to the Committee on Public Works.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CHILES):

A joint resolution of the Legislature of the State of West Virginia; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 3

"Ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, The Ninety-second Congress of the United States of America at its second session by a constitutional two-thirds vote in both Houses adopted a Joint Resolution

proposing an amendment to the Constitution of the United States, which Joint Resolution is in the following words:

"Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

"Therefore, be it  
"Resolved by the Legislature of West Virginia: That the Legislature of the State of West Virginia hereby ratifies this proposed amendment to the Constitution of the United States; and, be it

"Resolved further, That the Secretary of State of the State of West Virginia notify the Administrator of General Services, Washington, D.C., the President of the Senate of the United States and the Speaker of the House of Representatives of the United States of this action by forwarding to each of them a certified copy of this Joint Resolution adopted by the West Virginia Legislature."

A resolution adopted by the Board of County Commissioners of Dade County, Fla., praying for the enactment of legislation entitled "A Federal Anti-Recession and Full Employment Law"; to the Committee on Banking, Housing and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLOTT (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River compact (Rept. No. 92-786).

By Mr. ALLOTT (for Mr. BIBLE), from the Committee on Interior and Insular Affairs, with an amendment:

S. 953. A bill to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands (Rept. No. 92-785).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 3543. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes (Rept. No. 92-787), together with supplemental views.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HART, from the Committee on Commerce:

Robert F. Buckley, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GOLDWATER:

S. 3583. A bill for the relief of Gerald Vincent Bull. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 3584. A bill to provide for a comprehensive national program of earthquake monitoring, research and engineering in order to reduce loss of life and property; to provide for studies leading to earthquake prediction and control; and for other purposes. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 3585. A bill for the relief of Mr. Deepak Nattar. Referred to the Committee on the Judiciary.

S. 3586. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PERCY:

S. 3587. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful. Referred to the Committee on Commerce.

By Mr. SCHWEIKER:

S. 3588. A bill to establish a Federal Radiation Protection Agency, to transfer certain functions of the Atomic Energy Commission and other departments and agencies to such Agency, and for other purposes. Referred, by unanimous consent, to the Joint Committee on Atomic Energy; and, if and when reported by that committee, to the Committee on Government Operations.

By Mr. COOPER (for himself and Mr. RANDOLPH):

S. 3589. A bill to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 and the following. Referred, by unanimous consent, to the Committee on Public Works; and, if and when reported by that committee, to the Committee on Finance.

By Mr. COOPER:

S. 3590. A bill to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes. Referred, by unanimous consent, to the Committee on Public Works; and, if and when reported by that committee, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, and the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 3586. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes. Referred to the Committee on Labor and Public Welfare.

RAILROAD RETIREMENT: SOME NEEDED CHANGES

Mr. HUMPHREY. Mr. President, I am introducing legislation that would allow railroad employees to retire after 30 years service if they have reached the age of 55.

This legislation would also change the financing mechanism of railroad retirement to shift the burden on to the railway carrier.

Under present law, railroad employees have protection through two Federal laws: the Railroad Retirement Act and Railroad Unemployment Insurance Act.

Traditionally, the vast majority of railroad employees have been covered under the railroad private pension plans. During the depression, though, plans were weakened requiring Federal action to make them solvent.

Now, an employee, with 10 years of service, may draw a full lifetime annuity at age 65 if he retires. An employee may begin to receive reduced retirement benefits at age 60 if he has 30 years of service. A 1966 amendment provided for a supplementary annuity to career railroad employees. This plan is entirely financed by employers.

But, the railroad retirement system is under severe stress. Almost without exception, railroads throughout the Nation are going through a period of retrenchment. The causes of this are not completely clear; what is clear though is that the railroad retirement system based on employer/employee contributions is facing tough or possibly catastrophic financial times. There are over 973,000 beneficiaries, including some 441,000 retirees, 211,000 wives, 273,000 widows and 48,000 children.

In 1970, the fund paid out over \$1,593,400 in benefits. The average benefit was \$171.60 per month. While the system does serve retirees, wives, widows, and dependent children, it is financed from taxes on current workers, and employers. Now, however, there are more beneficiaries than there are current workers—1.45 beneficiaries to every current employee. What is happening is that the burden on the present employees is becoming extremely heavy. An employee, according to latest data, pays in at the rate of 10.8 percent on a wage base of \$750 a month. His maximum monthly tax is \$81.

This legislation would correct two severe problems: First, it would allow railroad retirees with 30 years of service and reaching age 55 to retire. Second, it would finance the retirement program through a shift of the burden onto the carrier.

The legislation is directed to two problems. The first is that of providing options for a dedicated worker who has 30 years of service with the railroads. This man has been productive. He has worked hard. He ought to have the option of retiring. There are precedents for this kind of legislation—the railroad retirement age has been continually lowered.

The second problem is one of financing. This legislation while shifting the burden on to the carrier, clearly recognizes that the financing of railroad retirements is a complex issue. Complete carrier financing with appropriate tax credits is but one method. Another, perhaps more equitable method is general revenue contributions. I am introducing this legislation because all alternatives deserve to be explored by the Commission that is currently studying the entire problem and due to report by July 1.

Mr. President, I would hope that this legislation might be considered by the Railroad Retirement Subcommittee of the Labor and Public Welfare Committee and by the Commission on Railroad Retirement Benefit.

By Mr. SCHWEIKER:

S. 3588. A bill to establish a Federal Radiation Protection Agency, to transfer certain functions of the Atomic Energy Commission and other departments and agencies to such Agency, and for other purposes. Referred, by unanimous consent, to the Joint Committee on Atomic Energy; and, if and when reported by that committee, to the Committee on Government Operations.

#### RADIATION PROTECTION ACT OF 1972

Mr. SCHWEIKER. Mr. President, I introduce, for appropriate reference, a bill to establish a Federal Radiation Protection Agency, to transfer certain functions of the Atomic Energy Commission and other departments and agencies to such Agency, and for other purposes.

The purpose of this legislation is to provide this Nation with a sound national policy and single focus with regard to radiation protection. It is vitally needed now, especially because the American public is confused and concerned about actions taken by various Federal and State agencies in this area.

Let me point out that this legislation is not designed to hamper the development of nuclear power as a source of energy. We have a serious energy crisis in this country, and we must make use of all possible sources of energy to meet our needs for the future. This legislation is designed to protect our citizens from the unsafe or improper use of radiation, both as an energy source, and for medical and research purposes. It is not designed to discourage the development of nuclear power for uses which are beneficial to our interests.

A potpourri of Federal agencies now regulate a variety of radiation protection activities under numerous laws designed for specific purposes. In addition, one of these agencies, the Atomic Energy Commission has the dual role of regulating and promoting this potentially hazardous industry called "atomic energy."

Let us take a look at the situation: The Atomic Energy Commission, in its dual role of regulator and promoter of the peaceful use of the atom, has not adequately demonstrated the capability of performing that particular job. A case in point is the uranium mining and milling problem. Recently, hearings by the Joint Committee on Atomic Energy were held on this issue, but action should have been taken many years ago to prevent the problem. The AEC has had no responsibility for the exposure of thousands of individuals, both uranium miners and those unfortunate individuals who have had their homes, businesses, and schools built on top of uranium tailings.

The prestigious American Public Health Association, comprised of over 23,000 public health professionals from Federal, State, and local governments, from schools and universities, and from many health related organizations,

passed the following resolution at its annual meeting in Minneapolis on October 13, 1971. The resolution is entitled "Conflict of Interest in the Atomic Energy Commission" and reads as follows:

Our citizens have become increasingly concerned and knowledgeable regarding problems of regulating environmental quality. Public interest groups have been alarmed to learn of environmental and consumer protection programs administered by agencies whose orientation is to promote or protect a given industry rather than the interests of the public. A prime example of this conflict of interest exists within the Atomic Energy Commission, whose mission by Congressional mandate includes both the promotion and development of nuclear energy and the protection of the public from radiation hazards. This conflict of interest has weakened the credibility of this agency in its responsibility for the protection of the public.

The APHA recommends that all radiation protection activities of the Federal Government be consolidated in a single Federal agency which is focused on consumer protection and public service and which is not responsible for promotional activities.

The APHA commits itself to support of legislative action and other steps that may be indicated to insure discontinuance of the conflict of interest within the AEC; enter into coalitions with appropriate environmental and conservation groups; and convey its convictions and intentions to those responsible.

I would note in passing that the Radiological Health Section of APHA is composed of professional radiation protection personnel from all of the Federal agencies involved and from State radiation protection programs, in addition to numerous individuals from industry and education.

Why should the regulatory and promotional functions of the Atomic Energy Commission be separated? Let us take a look at the organizational chart of the Atomic Energy Commission to determine where the funding goes and which divisions are responsible for promotion or regulation of nuclear power.

Generally, the promotional division of the AEC comes under the General Manager. Surprisingly, all of the radiation protection and safety grants of the Atomic Energy Commission are funded through the promotional division. The regulatory staff has no money for safety research and development grants. Generally, those grants go through the Division of Reactor Development and Technology, a part of the promotional end of the AEC.

The Division of Biology and Medicine is part of the promotional side of the AEC.

The Division of Operational Safety is on the promotional side.

The Division of Waste Management and Transportation, which is responsible for the handling of radioactive waste products from nuclear powerplants, is on the promotional side.

The Division of Nuclear Education and Training is on the promotional side.

The Division of Applied Technology, which handles the Plowshare program concerned with the development of peaceful uses of nuclear power, is on the promotional side.

Yes, even the Division of Environmental Affairs is on the promotional side of the AEC.

Recently, there has been considerable publicity about the failure of a mockup of the emergency core cooling system.

Although the Atomic Energy Commission intends to do a scaleup of this system to about one-sixth of full size, it is anticipated that this model will not be operational until about 1976. In the meantime, other reactors will continue to operate without adequate testing. Previous experimentation with a small model indicated that the emergency core cooling system might not operate properly. If there had been a separation of the promotional and regulatory sides of the Atomic Energy Commission, perhaps the emergency core cooling system would have been properly developed to begin with.

Although the Atomic Energy Commission has recently announced a reorganization, the reorganizing has occurred only within the regulatory division. In other words, the conflicts of interest I have pointed out still remain within the Commission.

Other Federal agencies having responsibility for radiation protection are as follows:

First. The Department of Health, Education and Welfare's Bureau of Radiological Health. This agency has had no dual role, but until 1968, when legislation was passed giving the Bureau responsibility for electronic product radiation safety, it had no legal authority to regulate any area of radiation protection. Even now, under the 1968 legislation, the standards apply to product approval only and may not really affect the individuals who use the product, especially in the area of X-ray protection. The Bureau has, however, been a constant source of support and assistance to the States in implementing a national response to overall radiation safety.

Second. The Environmental Protection Agency. When this agency was created, it pulled together all environmental radiation activities of the Bureau of Radiological Health, a few officials of the AEC, and the personnel and functions of the now defunct Federal Radiation Council. It appeared that the purpose of the President's directive was to remove the environmental radiation standard-setting responsibility from the AEC and place it in an independent agency. However, since that time, no standards have been issued by EPA, and the AEC has revised its regulations concerning radioactive effluents in spite of the EPA role.

Third. The Department of Labor. Under the recently passed Occupational Health and Safety Act, all radiation exposure of workers is now covered, excluding those individuals working under an AEC license. The Department of Labor unfortunately has very few individuals with radiation protection experience.

Fourth. State radiation control programs. State programs in radiation protection date back to the early 1930's, long before there was any Federal activity in this field. In its report, dated May 1971, entitled "Report of State and Local Radiological Health Program-Fiscal Year 1970," the Bureau of Radiological Health of the Department of Health, Education and Welfare offers a complete summary of State programs.

Variations in State programs are recognized due to the number, types, and location of radiation sources, the density of the population, and the levels of actual or potential radiation exposure. Since 1951, a total of 46 States have enacted specific laws for regulating ionizing radiation. The remaining four States have assumed regulatory responsibilities under general public health laws. During fiscal 1970, State and local agencies spent over \$7 million for radiation control activities. However, this has decreased slightly from a previous high of \$7.4 million at a time when such activities should be increasing. This is a direct result of the financial problems encountered by most State governments. A total equivalent of 470 professional and semi-professional personnel were employed full time in State and local programs. However, the total number has increased by only 8 percent since 1965.

State activities include inspection and regulation of all users of ionizing radiation. Since the 1968 Federal legislation, some States have increased their activities in the nonionizing radiation protection area, also. Since over 90 percent of the unnecessary and harmful manmade radiation exposure of the population of the United States is a direct result of exposure for medical purposes, and medical X-ray use is increasing at a tremendous pace, most States have concentrated on programs to reduce this exposure. Dr. Karl Z. Morgan, Director of Health Physics at Oak Ridge National Laboratory, has stated that population exposure could be reduced by a factor of 10 and has offered recommendations on methods of accomplishing this. He has suggested that the Federal Government exert leadership in implementing a national program of training and certification of all users of medical and dental X-ray equipment. He recommends that the State enforce such certification programs, and that all new X-ray equipment be designed under Federal control.

In addition to X-ray exposure, only the States have authority to license and regulate the use of radium. There is no regulatory activity in the Federal Government governing the use of radium or X-rays in Federal installations.

Under the Atomic Energy Act, the AEC was authorized in 1958 to turn over to the States certain licensing and regulatory responsibilities. Since that time, only 23 States have entered into agreements with the AEC to assume this responsibility. Pennsylvania, a major State with over 1,000 AEC licenses, and a State which has one of the best radiation protection programs in the country, has not become an agreement State solely because of the increased costs involved. Pennsylvania has estimated the increased cost for agreement to be in excess of \$100,000 per year.

At the recent AEC sponsored "agreement States" meeting, the States strongly urged the AEC to request an amendment to the Atomic Energy Act to provide for Federal assistance in this program area.

The other area of deep State involvement is environmental radiation surveillance, especially around nuclear reactor

facilities. No Federal agency has assumed any real responsibility for such activity. The AEC has relied upon the information submitted as a result of the utilities' surveillance programs. Recently, the AEC has entered into contracts with a few States to provide to the AEC the results of the States' independent programs. Pennsylvania became the first State to sign such a contract. However, the \$10,000 per year contract does not cover more than one-tenth of the cost of Pennsylvania's surveillance program. The Environmental Protection Agency is also considering a similar contractual arrangement with the States, but again it is questionable whether the funds will be adequate.

It is interesting to note that the AEC does not accept any responsibility for performing off-site monitoring but will not allow the States to set environmental radioactivity release levels. Recently, the Supreme Court upheld a lower court decision in the Northern States Power against State of Minnesota case that only the AEC has the authority to regulate the discharge of radioactive material from a nuclear plant. Last June I introduced a bill, S. 2050, to permit the States to set their own standards as long as they are stricter than the Federal standards.

Commissioner James T. Ramey of the U.S. Atomic Energy Commission has periodically discussed the need for a separate regulatory agency. In a speech, November 29, 1971, he said:

In any consideration of a separate agency, one, of course, also has to consider the alternatives. Does one want to put (the new agency) under the Department of Health, Education and Welfare? the Federal Power Commission? the Environmental Protection Agency? or perhaps in some sort of hybrid agency?

My response is that a new, separate Federal agency is needed. At the present time there is no national policy, national direction, or national organization which can effectively focus all of the available resources to provide this Nation with a proper radiation protection program. The legislation I am introducing today will set up the mechanism to accomplish this.

Here is what the Radiation Protection Act of 1972 would do:

First, it would provide for a coordinated Federal-State program of radiation control to minimize the American public's exposure to radiation.

However, nothing in the legislation would prevent a State or local government agency from establishing and carrying out its own radiation control program, providing such program is consistent with the purposes of the legislation. In no event would any State or local agency be permitted to establish radiation standards which are less restrictive than those established by the Administrator of the Federal Radiation Protection Agency. This approach is consistent with my bill, S. 2050, which permits the States to set their own standards as long as they are stricter than the Federal standards.

The Administrator is directed to enter into cooperative agreements with State radiation control agencies to carry out the regulatory provisions of the act.

Any such agreements may permit the partial or complete transfer of regulatory responsibility from the Federal Government to the States, and this depends on the competence of the individual State to handle such responsibility. The Administrator would make an annual review of all State programs and report his findings to the Joint Committee. Also, the Federal Government would provide funds on a matching basis to carry out this program.

Second, it would separate the health and safety regulatory activities of the Federal Government with regard to atomic energy and radiation protection from the promotional activities. In essence, it would take the regulatory functions of the Atomic Energy Commission from that Commission and place them in a new Federal Radiation Protection Agency.

These provisions are consistent with the recommendations of the American Public Health Association I cited earlier. There has been increasing criticism in recent years of the fact that the Atomic Energy Commission both regulates and promotes atomic energy. This situation should be changed, because it amounts to a built-in conflict-of-interest which the Atomic Energy Commission simply cannot avoid.

Third, it would establish a Congressional Joint Committee on Atomic Energy and Radiation Protection. This amounts to a broadening of the existing authority of the Joint Committee on Atomic Energy.

At the present time, the Joint Committee is responsible for problems relating to the development, use, and control of atomic energy. This legislation would add to those responsibilities authority over the protection of the public health and safety from radiation.

Fourth, it would transfer radiation protection regulatory and selected research functions from other agencies and departments of the Federal Government to the Federal Radiation Protection Agency. The regulation of the use of atomic energy and byproduct materials would be transferred from the AEC. Functions of the Labor Department relating to the protection of employees or the public from radiation would be transferred. In addition, radiological health functions of the Department of Health, Education, and Welfare would go to the new agency, as would radiation protection functions of the Environmental Protection Agency.

Fifth, it would permit the Federal Government to establish minimum standards of licensure or certification of all users of radiation.

Sixth, it would provide for Federal-State agreements and cooperation relating to provisions of the legislation.

Seventh, it would authorize the President to establish a Radiation Advisory Council of Federal Agencies to review standards established by the Federal Radiation Protection Agency and to give the new Agency advice and suggestions on such standards.

Eighth, it would establish a National Radiation Advisory Committee made up of members of Government, affected users, including industrial and medical

users, and the general public. The function of the National Radiation Advisory Committee would be to undertake an annual review of Federal and State radiation control programs and to provide a report to the Federal Radiation Protection Agency.

Ninth, the Administrator of the Federal Radiation Protection Agency would be authorized to establish the following by regulation:

First, minimum National Radiation Exposure Standards for occupational and nonoccupational exposures;

Second, minimum national requirements for the education, training and experience for persons utilizing radiation sources;

Third, minimum national standards controlling the use, possession, ownership, manufacture, storage, handling, import or export, or transfer of all radiation sources; and

Fourth, radiation control standards, subject to the approval of the President, for all Federal facilities.

Tenth, I should point out that the bill would not apply to the military uses of atomic energy, nor is it intended that any regulations established by the Agency would control the specific dosages of radiation prescribed by medical doctors.

Mr. President, I ask unanimous consent that the text of the Radiation Protection Act of 1972 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Radiation Protection Act of 1972".

#### FINDINGS

SEC. 2. The Congress hereby finds and declares that in the national public interest—

(1) a coordinated Federal-State radiation protection program should be established to provide for the overall effective protection of the health and safety of the public;

(2) Federal radiation control programs should be consolidated to implement the program;

(3) the health and safety regulations of atomic energy and radiation should be separated from the promotional aspects;

(4) State radiation control programs should be strengthened;

(5) Federal-State agreements, cooperation and mutual assistance are essential to effectively use all available national resources to carry out the program.

(6) the authorities and duties of the present Congressional Joint Committee on Atomic Energy should be broadened to include expanded radiation protection activities, and therefore, the title of the present Committee should be changed to the Joint Committee on Atomic Energy and Radiation Protection;

(7) the Federal Radiation Protection Agency, established pursuant to this Act, should keep the Joint Committee on Atomic Energy and Radiation Protection fully and currently informed with respect to activities authorized under this Act;

(8) the Federal Radiation Protection Agency should have responsibility and authority for establishing Federal regulations for the control of radiation in all Federal facilities;

(9) the Federal Radiation Protection Agency should be responsible for establish-

ing minimum national standards for radiation protection;

(10) the Federal Radiation Protection Agency should establish minimum national requirements for licensing, including education, training, and experience, for persons utilizing radiation sources.

#### PURPOSE

SEC. 3. It is therefore the purpose of this Act to provide for a coordinated Federal-State program of radiation control to minimize the radiation exposure of the American public; to separate the health and safety regulatory activities of the Federal Government with regard to atomic energy and radiation protection from the promotional activities to provide for a Congressional Joint Committee on Atomic Energy and Radiation Protection; to transfer those radiation protection regulatory and selected research functions from other agencies and departments of the Federal Government to a Federal Radiation Protection Agency; to establish minimum standards of licensure or certification of all users of radiation; and to provide for Federal-State agreements and cooperation relating to the provisions of this Act.

#### DEFINITIONS

SEC. 4. As used in this Act—

(1) the term "Agency" means the Federal Radiation Protection Agency;

(2) the term "Administrator" means the Administrator of the Federal Radiation Protection Agency;

(3) the term "Joint Committee" means the Congressional Joint Committee on Atomic Energy and Radiation Protection; and

(4) the term "radiation" includes all ionizing and nonionizing radiation.

#### FEDERAL RADIATION PROTECTION AGENCY

SEC. 5. (a) There is established in the executive branch of the Government an independent agency to be known as the "Federal Radiation Protection Agency."

(b) There shall be at the head of the Agency the Administrator of the Federal Radiation Protection Agency, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates in title 5 of the United States Code.

(c) There shall be in the Agency a Deputy Administrator of the Federal Radiation Protection Agency, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule Pay Rates in title 5 of the United States Code. The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

#### TRANSFERS TO AGENCY

SEC. 6. (a) Effective thirty days after the date on which the appointment of the Administrator is confirmed by the Senate there are transferred to the Administrator—

(1) all functions of the Atomic Energy Commission which the Director of the Office of Management and Budget determines relate primarily to the regulation of the use of atomic energy or byproduct materials, as defined in the Atomic Energy Act of 1954;

(2) all functions of the Secretary of Labor which the Director of the Office of Management and Budget determines relate primarily to the protection of employees or the public generally from radiation;

(3) all functions of the Secretary of Health, Education, and Welfare which remained with the Secretary pursuant to section 2(9) (iii) of Reorganization Plan No. 3 of 1970; and

(4) all functions of the Administrator of the Environmental Protection Agency which

were transferred to the Administrator pursuant to section 2(3)(i)(C) and section 2(6) of such Reorganization Plan.

(b) The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this section by any other officer, or by any organizational entity or employee, of the Agency.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Administrator by this section as the Director of the Office of Management and Budget shall determine shall be transferred to the Agency at such time or times as the Director shall direct.

(d) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) (1) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service (other than an officer who retires under section 211 of the Public Health Service Act after his election but prior to his transfer pursuant to this paragraph and paragraph (2)) who, upon the day before the effective date of subsection (a), is serving as such officer (A) primarily in the performance of functions transferred by such subsection to the Administrator, may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency; or (B) primarily in the performance of functions determined by the Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") to be materially related to the functions so transferred, may, if authorized by agreement between the Secretary and the Administrator, and if such officer so elects, acquire such status and be so transferred.

(2) An election pursuant to paragraph (1) shall be effective only if made in accordance with such procedures as may be prescribed by the Civil Service Commission (A) before the close of the 24th month after the effective date of subsection (a), or (B) in the case of a commissioned officer who would be liable for training and service under the Military Selective Service Act of 1967 but for the operation of section 6(b)(3) thereof (50 U.S.C. Ap. 456 (b)(3)), before (if it occurs later than the close of such 24th month) the close of the 90th day after the day upon which he has completed his 24th month of service as such officer.

(3) (A) Except as provided in subparagraph (B), any commissioned officer of the Public Health Service who, pursuant to paragraphs (1) and (2), elects to transfer to a position in the agency which is subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code (hereinafter in this subsection referred to as the "transferring officer"), shall receive a pay rate of the General Schedule grade of such position which is not less than the sum of the following amounts computed as of the day preceding the date of such election:

(i) the basic pay, the special pay, the continuation pay, and the subsistence and quarters allowances, to which he is annually entitled as a commissioned officer of the Public Health Service pursuant to title 37, United States Code;

(ii) the amount of Federal income tax, as determined by estimate of the Secretary, which the transferring officer, had he remained a commissioned officer, would have been required to pay on his subsistence and quarters allowances for the taxable year then current if they had not been tax free;

(iii) an amount equal to the biweekly average cost of the coverages designated "high option, self and family" under the Government-wide Federal employee health benefits program plans, multiplied by twenty-six; and

(iv) an amount equal to 7 per centum of the sum of the amounts determined under clauses (i) through (iii), inclusive.

(B) A transferring officer shall in no event receive, pursuant to subparagraph (A), a pay rate in excess of the maximum rate applicable under the General Schedule to the class of position, as established under chapter 51 of title 5, United States Code, to which such officer is transferred pursuant to paragraphs (1) and (2).

(4) (A) A transferring officer shall be credited, on the day of his transfer pursuant to his election under paragraphs (1) and (2), with one hour of sick leave for each week of active service, as defined by section 211(d) of the Public Health Service Act.

(B) The annual leave to the credit of a transferring officer on the day before the day of his transfer, shall, on such day of transfer, be transferred to his credit in the Agency on an adjusted basis under regulations prescribed by the Civil Service Commission. The portion of such leave, if any, that is in excess of the sum of (i) 240 hours, and (ii) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner described by subsection (c) of section 6304 of title 5, United States Code.

(5) A transferring officer who is required to change his official station as a result of his transfer under this subsection shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent station within, a uniformed service for purposes of section 404 of title 37, United States Code.

(6) Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Agency regardless of age and insurability.

(7) (A) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (i) his active service as defined by section 211(d) of the Public Health Service Act, or (ii) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service Act, to receive retired pay pursuant to section 211(a)(4)(B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one such law to secure credit under the other.

(B) A transferring officer on whose behalf a deposit is required to be made by subparagraph (C) and who, after transfer to a competitive position in the Agency under paragraphs (1) and (2), is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be

entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under paragraphs (1) and (2), to a position covered by another Government staff requirement system under which credit is allowable for service with respect to which a deposit is required under subparagraph (C), no credit shall be allowed under such subchapter III with respect to such service.

(C) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the year of service credited to him for purposes of his retirement under subparagraph (A), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in paragraph (3)(A) which were received by, or accrued to the benefit of, such officer during the years so credited. The deposits which the Secretary is required to make under this subparagraph with respect to any transferring officer shall be made within two years after the date of his transfer as provided in paragraphs (1) and (2), and the amounts due under this subparagraph shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

(8) A commissioned officer of the Public Health Service who, upon the day before the effective date of subsection (a), is on active service therewith primarily assigned to the performance of functions described in paragraph (1)(A), shall, which he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

#### ADDITIONAL FUNCTIONS

SEC. 7. In addition to carrying out the functions transferred pursuant to section 6, the Administrator—

(1) shall establish by rules and regulations—

(A) minimum national radiation exposure standards for occupational and non-occupational exposures;

(B) minimum national requirements for education, training and experience for persons utilizing radiation sources, and such requirements may include provisions for certification or licensing, or both; and

(C) minimum national standards controlling the use, possession, ownership, manufacture, storage, handling, import or export, or transfer of all radiation sources;

(2) may make studies and conduct research into radiation effects, radiation biology, radiation protection techniques, and methods of strengthening State programs relating to the purposes of this Act;

(3) shall conduct, consistent with the provisions of section 7, a program of inspection and enforcement to implement standards, certification, and licensing programs established pursuant to this Act;

(4) shall establish, subject to the approval of the President, standards for radiation control in all Federal facilities; and

(5) may make grants and enter into contracts as are required to carry out the provisions of this Act.

#### FEDERAL-STATE RELATIONS

SEC. 8. (a) Nothing in this Act shall be construed to prevent a State or local Government agency from establishing and carrying out a radiation control program, providing such program is consistent with the

purposes of this Act. In no event, however, shall any such agency establish radiation standards which are less restrictive than those established by the Administrator.

(b) The Administrator shall endeavor to enter into cooperative agreements with State radiation control agencies to carry out the regulatory provisions of this Act. Such agreements may allow for partial or complete transfer of regulatory responsibility from the Federal Government to the States, consistent with the program competency of each State. The Administrator shall be responsible for conducting an annual review of all State programs under such agreements, and shall make a report with respect thereto to the Joint Committee. Under the terms of such an agreement, the Administrator shall provide funds on a matching basis in order to carry out the purposes of this Act.

#### ADVISORY COUNCIL AND COMMITTEE

SEC. 9. The President is authorized to establish a Radiation Advisory Council of Federal Agencies to review, prior to promulgation and thereafter, standards and other requirements established pursuant to section 7(4) of this Act. Such Council shall include representatives from the Departments of Health, Education, and Welfare, Defense, Labor, and Transportation, the Atomic Energy Commission, and such other agencies as the President may determine.

(b) The Administrator shall establish a National Radiation Advisory Committee and shall consult such Committee with respect to the promulgation of any standards under this Act. The Committee shall also undertake an annual review of Federal and State radiation control programs and provide a report to the Administrator. The Committee shall be appointed by the Administrator and composed of fifteen members, each of whom shall be technically qualified by training and experience in one or more fields of science or engineering applicable to atomic energy or radiation protection. The membership shall include—

(1) five members selected from governmental agencies, including three from State radiation control agencies;

(2) five members selected from the affected users, including industrial and healing arts users; and

(3) five members selected from the general public, of which at least one shall be a representative of organized labor. The Committee shall meet at least annually. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of the Committee or otherwise engaged in the business of the Committee, be entitled to receive compensation at a rate fixed by the Administrator, but not exceeding \$100 per diem (including travel time), and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. Payments under this subsection shall not render members of the Committee officers or employees of the United States for any purpose.

#### EXEMPTIONS

SEC. 10. Nothing in this Act, or in standards or regulations established pursuant thereto, shall apply to—

(1) the military aspects of atomic energy or radiation source use activities;

(2) the activities of such persons in the healing arts which are declared exempt by regulation of the Administrator; and

(3) such other activities as the Administrator may determine, upon application or his own initiative, to be of no significant risk to the health or safety of the public.

#### ADMINISTRATIVE PROVISIONS

SEC. 11. In addition to any authority vested in him by other provisions of this Act, the

Administrator, in carrying out his functions, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which his functions shall be carried out;

(2) appoint employees, subject to the civil service laws, as necessary to carry out his functions, define their duties, and supervise and direct their activities;

(3) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized in title 5 of the United States Code;

(4) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized in title 5 of the United States Code for persons in the Government service employed without compensation; and

(5) make other necessary expenditures.

#### JOINT COMMITTEE ON ATOMIC ENERGY AND RADIATION PROTECTION

SEC. 12. (a) The Congressional Joint Committee on Atomic Energy is redesignated as the "Joint Committee on Atomic Energy and Radiation Protection."

(b) The Administrator shall keep the Joint Committee fully and currently informed with respect to all of the activities of the Agency and shall forward to the Joint Committee in January of each year a complete report in writing with respect to such activities during the previous calendar year and containing his recommendations for any revision of this Act, or other legislation.

(c) The Joint Committee shall make continuing studies of the activities of the Agency and of problems related to the protection of the public health and safety from radiation. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the administration of this Act or the protecting of the public health and safety from radiation shall be referred to the Joint Committee.

#### PENALTY FOR VIOLATION OF REGULATIONS

SEC. 13. Whoever willfully violates, attempts to violate, or conspires to violate any regulation established pursuant to this Act shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than ten years, or both.

#### APPROPRIATIONS AUTHORIZED

SEC. 14. There are authorized to be appropriated to the Administrator for carrying out the provisions of this Act \$10,000,000 for the fiscal year beginning July 1, 1972, and thereafter such sums as may be necessary.

#### SEPARABILITY

SEC. 15. If any provision of this Act, or the application of any such provision to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that this bill introduced by Mr. SCHWEIKER be referred to the Joint Committee on Atomic Energy and that if and when reported, it be referred to the Committee on Government Operation for its consideration of subject matters therein falling within its jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. COOPER (for himself and Mr. RANDOLPH):

S. 3589. A bill to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq. Referred, by unanimous consent, to the Committee on Public Works; and, if and when reported

by that committee, to the Committee on Finance.

By Mr. COOPER:

S. 3590. A bill to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes. Referred, by unanimous consent, to the Committee on Public Works; and, if and when reported by that committee, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, and the Committee on Finance.

#### FEDERAL-AID HIGHWAY AND MASS TRANSPORTATION ACT OF 1972

Mr. COOPER. Mr. President, as ranking minority member of the Public Works Committee, I am pleased to introduce the administration's highway bill—the Federal-aid Highway and Mass Transportation Act of 1972—a bill to implement the Department of Transportation's 1972 highway needs report.

I wish to join the Senators who have already praised the Secretary of Transportation for his constructive proposals for reorganizing Federal assistance to urban transportation. I believe the suggested departure from past programs, advanced after extensive study by the Department of Transportation, will make a significant contribution to congressional deliberations on transportation problems and their solutions.

The bill I am introducing would make two major changes in existing highway programs and proposes several less comprehensive modifications.

The major innovation in the bill is the creation of a Single Urban Fund which would consolidate funding for existing Federal urban transit and highway capital programs and would be financed out of the Highway Trust Fund.

With respect to provisions for transportation outside urban areas, the bill would continue, with some modifications, the existing Federal-aid primary and secondary highway systems, with authorizations at approximately the present level. In addition, the bill proposes a General Rural Transportation Fund—less comprehensive than the Single Urban Fund—for flexible use of Highway Trust Funds for different forms of rural surface transportation, including projects currently carried out under categorical programs.

The bill provides for authorizations for the interstate system, based on an estimated completion date of 1980. In any year, no State with portions of the interstate still to complete would be apportioned less than 0.5 percent of the total interstate apportionment for that year, or the amount needed to complete their part of the system, whichever is less. Thus, some States with little left to complete may finish their part of the interstate before 1980.

I know that there are objections to this bill. Many in Congress and on the outside are concerned that either the highway program with its long history of recognized achievements, or the newer, evolving Federal program to assist mass transit, will experience inadequate funding as a result of the new proposal. I be-

lieve it is important that the administration's proposal be laid before the Committee on Public Works so that testimony in highway hearings may be directed to its provisions.

I have discussed this matter with Senator RANDOLPH, chairman of the Committee on Public Works. We open hearings on 1972 highway legislation on Wednesday, at which time Secretary Volpe will appear. We are looking forward to hearing his testimony.

Mr. President, I am also introducing the administration's Highway Safety Act of 1972. I ask unanimous consent that the letters of transmittal for both the Highway and Mass Transportation Act and the Highway Safety Act be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,  
Washington, D.C., April 21, 1972.

HON. SPIRO T. AGNEW,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation has prepared and submits herewith as a part of the legislative program for the 92d Congress, 2d Session a draft of a proposed bill "To authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes," together with a section-by-section analysis of the bill.

The proposed bill, entitled the "Federal-Aid Highway and Mass Transportation Act of 1972," would implement the recommendations contained in the 1972 Highway Needs Report which was submitted to the Congress on March 14, 1972. In brief, the bill would establish a new urban transportation program for financing urban mass transportation and highway projects, at the option of State or local authorities, beginning in fiscal year 1974; make funds available to the State and local governments for planning of future highway and mass transportation projects best suited to meet their specific needs; establish a rural general transportation program to finance capital investments for surface transportation systems and facilities outside of metropolitan areas; and realign the Federal-aid primary and secondary systems to make those systems conform more closely to their functional use.

The provision for modal flexibility in State and local investment under the proposed urban transportation program is a recognition of both the severity and complexity of the urban transportation problems that confront our metropolitan areas today. Only by the proper combination of highways and transit modes can we hope to make progress against urban congestion. We believe that the States and localities, based on their increased awareness of local priorities and values, must be given more flexibility in determining the proper mix of capital investments for their own urban transportation program. Similar reasoning has led to the provision, albeit on a lesser scale, of the same kind of flexibility for transportation investments in rural areas. I firmly believe that it was to develop exactly this kind of program, innovative in concept and intermodal in scope, that Congress established the Department of Transportation.

In the proposed realignment of the Federal-aid highway program, present plans for completion of the Interstate System would not be disturbed except for the rate of funding and the completion date. It now appears that the system cannot be completed until 1980. Therefore, the bill proposes that In-

terstate authorizations be phased down from \$4.0 billion to \$3.250 billion annually for fiscal years 1974 and 1975, to \$3.0 billion for fiscal year 1976, and that additional authorizations of \$3.0 billion annually for fiscal years 1977, 1978, and 1979 and \$1.257 billion for fiscal year 1980 be provided in conformity with the 1972 Interstate Cost Estimate. The bill would authorize the Secretary of Transportation to make interstate apportionments for the fiscal year ending June 30, 1974, and June 30, 1975, for expenditures on the Interstate System using the apportionment factors which are contained in the 1972 Interstate Cost Estimate. The bill authorizes any State which has not completed Federal funding of the Interstate System within its boundaries to receive at least one half of one per centum of the total Interstate apportionment for each of the fiscal years 1974 and 1975 or an amount equal to the actual cost of completing such funding, whichever amount is less.

Because of the four-year extension of time for completion of the Interstate System, it will be necessary to submit cost estimates in 1974 for making apportionments for fiscal years 1976 and 1977, and in 1976 for making apportionments for fiscal years 1978 and 1979 and a final estimate in 1978 for making an apportionment for the fiscal year 1980. Section 105 of the bill would further authorize the appropriation of funds for the fiscal years 1974 and 1975 for (1) the new urban transportation and rural general transportation programs established by sections 113 of the bill, (2) the Federal-aid primary system and the Federal-aid secondary system, and (3) certain other Federal-aid highways.

The bill contains authorizations for the Highway Beautification Program under sections 131, 135, and 319(b) of title 23, United States Code, and amends the 10 percent penalty provisions of the Highway Beautification Act of 1965 by extending the prohibition against billboards on the Interstate and primary systems to all advertising signs and displays if the advertising or informative content can be seen from the main traveled way of these systems. This change is necessitated by the increased construction of "giant billboards" 661 feet from the right of way, thereby undermining the effectiveness of the current law.

The training program authorized by section 140(b) of title 23, United States Code, is extended through fiscal years 1974 and 1975.

Section 108 amends the advance acquisition provisions of title 23 to extend the present seven-year limitation for advance acquisition to ten years. Increasing numbers of States are experiencing difficulty in meeting this limitation because of environmental considerations, relocation difficulties, etc. It should also be noted that the advance acquisition authority would also apply to acquisitions for mass transportation projects through the application of the provisions of section 604 of the bill.

Section 109 would remove any doubt as to the legality of the conference method of research by authorizing the Secretary to use this method of research under 23 U.S.C. 307(a).

Inasmuch as funds will be necessary for research and planning by States and localities under the new urban transportation program established by section 113 of the bill, section 307 of title 23 is further amended to permit funds apportioned to the Governor of a State under section 603(b) of the new chapter 6 of that title to be used with the approval of the Secretary, and at the Secretary's discretion with or without matching State or local funds, for certain research and planning.

Section 111 of the bill amends the effective date of the increase in the Federal share provided for in section 108(b) of the Federal-Aid Highway Act of 1970. This amendment permits all obligations incurred after June 30, 1973, pursuant to the bill, to be subject

to the 70 per centum Federal share whether or not they relate to authorizations for appropriations for fiscal year 1974 and later.

In order to implement the recommendations of the 1972 Highway Needs Report, the bill would add a new chapter 6 to title 23, establishing a new urban transportation program and a rural general transportation program. The urban transportation program would consolidate into a new program the existing urban highway and mass transit programs (with the exception of the Interstate highway program and the research, development and demonstration program of the Urban Mass Transportation Administration), and would be financed from the Highway Trust Fund. The bill would supplant the need for authorizing additional contract authority for capital grants under the Urban Mass Transportation Act of 1964, and all future requests for such authority would be made under this new legislation. Under the proposed bill, the first fiscal year in which contract authority is available for mass transportation projects is 1974. Since contract authority under the Urban Mass Transportation Act will not be exhausted by that time, contract authority for mass transit projects will be available for fiscal year 1974 from both the new legislation and the Urban Mass Transportation Act. Funds for administrative expenses and the conduct of research, development and demonstrations associated with the mass transit program would continue to be requested under the Urban Mass Transportation Act of 1964, and the Urban Mass Transportation Administration would continue as the agency with prime responsibility in this area.

The new urban transportation program would consist of capital investments for highway systems and for facilities and equipment for urban mass transportation within metropolitan areas. A comprehensive transportation plan is required for each metropolitan area. The bill contemplates the formation of a consortium within each metropolitan area comprised of units of general purpose governments. The consortium would develop this comprehensive plan, including an annual program of projects. Where such consortia are not formed, the plan and program for the metropolitan area involved would be developed by appropriate local elected officials in cooperation with the Governor. The Secretary of Transportation would be empowered to approve or disapprove in whole or in part a metropolitan area's comprehensive transportation plan and annual program of projects. However, the intention of the Department would be to use this power sparingly with respect to the particular projects contained in the annual program. It is not contemplated that, in the ordinary course of events, this power would be used to override particular project selection decisions on the part of State and local officials. Primarily, the Department would exercise this authority to insure compliance with general requirements in areas such as civil rights, labor practice safeguards, and the environment.

The bill establishes a number of requirements respecting the formation of consortia. First, the appropriate State Governor or Governors would designate the units of general purpose government eligible for participation in a consortium, and these units must represent one hundred percent of the population of a State within the metropolitan area involved. If State law does not permit the voluntary establishment of consortia by local units of general purpose government within four years of enactment of this legislation, 15 percent of the funds apportioned to the Governor under section 603(d)(2) shall be retained by the Secretary for uses permitted under his discretionary fund. Secondly, the units designated by the Governor which elect to form the consortium must represent 75 percent of the total population of the metropolitan area. Each consortium

would be required to have planning authority for all urban surface modes of transportation and authority to develop the annual program of projects required for metropolitan areas. The bill does not require consortia to have power to implement the plans and projects they formulate, although it is anticipated that, particularly as time passes, consortia would increase their activities in this area. In this connection, it is expected that consortia would rely heavily on State highway departments for implementation of their highway projects.

The bill establishes a new rural general transportation program and continues in revised form the existing primary and secondary Federal-aid highway systems. The rural general transportation program will consist of capital investments for surface transportation systems and facilities outside of metropolitan areas (including highways not on the Federal-aid systems), railroad facilities and rolling stock, and mass transportation facilities and equipment. These projects would be initiated by the State Governors or their designees, subject to the approval of the Secretary.

Of the funds authorized to be appropriated for the new urban transportation program, 40 percent would be apportioned directly to the consortium established in each metropolitan area, or in the absence of a consortium, to the Governor of the State or States in which the metropolitan area is located, for use in that metropolitan area, in the ratio which the population of the metropolitan area bears to the total national metropolitan area population. Another 40 percent of the funds would be apportioned to the Governor of each State in the ratio which its metropolitan area population bears to the total national metropolitan area population. The remaining 20 percent of the funds would be retained by the Secretary to be used in his discretion for urban mass transportation projects selected on an individual project basis. These would include such projects as reserved bus lanes for highways and rapid rail systems.

Funds authorized to be appropriated for the new rural general transportation program would be apportioned to the Governor of each State in the ratio which the population outside of its metropolitan areas bears to the total national population outside of the metropolitan areas. No State would receive less than one third of one per centum of the total sum apportioned to all the States for the Federal-aid primary system, Federal aid secondary system, the rural general transportation program, and that portion of the urban transportation program apportioned to the Governor of each State. The bill also provides that the sum of the total apportionments to a State (including apportionments to consortia) for the urban transportation program, the rural general transportation program, and Federal-aid primary and secondary systems for each of the fiscal years 1974 and 1975 is not to be less than total funds apportioned to the State for fiscal year 1973 for the Federal-aid primary and the Federal-aid secondary systems, for extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas, the Federal-aid urban system, and the TOPICS program.

Provision is made in the bill for the deduction each year of an amount not exceeding three and three-fourths percent of all the sums authorized for the urban transportation and rural general transportation programs for the administrative expenses associated with carrying out those programs and for carrying out research authorized by subsections 307(a) and (b) of title 23, United States Code.

The bill also provides that after making the above deduction for administration and research, and the deduction under 23 U.S.C. 104(a), the Secretary shall set aside two per-

cent of the remaining funds apportioned for the urban transportation and rural general transportation programs and of the funds apportioned under section 104 of title 23, United States Code, for purposes of activities under section 134(a), the research and planning programs in section 307(c), and the planning requirement of the urban transportation program set forth in section 601 (c). The sum set aside would be apportioned to the Governor of each State in the ratio in which the total apportionments to that State and its metropolitan areas under section 23 U.S.C. 104(b) and for the new urban transportation and rural general transportation programs bear to the total apportionment to all the States and the metropolitan areas for those purposes. In addition recipients of funds under 23 U.S.C. 104(b) (4) and (5) and new sections 603(d) and (e) may use one and one-half percent of their apportionment for these purposes. The bill then sets forth additional guidelines for determining the amounts which may be devoted to the comprehensive planning conducted in metropolitan areas and for planning programs under section 307(c).

The bill provides that administrative and other provisions of chapters 1, 3, and 5 of title 23 that are applicable to Federal-aid primary highways shall also apply to the new Federal-aid urban system and to the funds authorized to be appropriated to carry out the new programs except when otherwise determined by the Secretary. It also specifies that all urban mass transportation capital improvements are to be subject to the labor protection requirements of section 13(c) of the Urban Mass Transportation Act of 1964 and special requirements with respect to the elderly and the handicapped.

Section 114 of the bill amends 23 U.S.C. 103, which defines the requirements of the Federal-aid systems, by providing new requirements for such systems after June 30, 1974.

Section 114(d) amends the provision added by the Federal-Aid Highway Act of 1970, relating to removal of Interstate System segments, and extends the existing dates respecting substitution of alternative segments and removal. On July 1, 1973, the Secretary would be required to remove any segment for which a State has not notified him that it intends to construct such segment. However, a substitution may be made prior to July 1, 1974, of an alternative segment. Any segment for which a State has not submitted by July 1, 1974, a schedule of expenditure of funds for completion of such segment or an alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and for which the State has not provided the Secretary with satisfactory assurances that such schedule will be met, would be removed from designation as a part of the Interstate System.

Section 115 of the bill amends 23 U.S.C. 104(b) (4) relating to apportionment formulas for the Federal-aid primary system and the Federal-aid secondary system by providing that after June 30, 1973, funds for these systems will be apportioned as follows: one third in the ratio that State population bears to total population; one third in the ratio which the square root of State area bears to square root of areas of all States; and one third in the ratio which public road mileage in each State bears to total public road mileage in all States.

Section 118 of the bill amends the Urban Mass Transportation Act of 1964 to permit the appropriation of funds under that Act for administering urban mass transportation activities authorized by the new chapter 6 of title 23, U.S.C. Also the provision of the Act relating to planning and design of facilities to meet special needs of the elderly and the handicapped is amended to authorize the Secretary to establish standards for design

and construction of such facilities. Further the Secretary could not approve a capital assistance project for construction or acquisition of new urban mass transportation facilities or equipment unless he determined the project met such standards or unless he found in writing that the responsible public body had taken alternative actions to insure that the elderly and handicapped had reasonable access to urban mass transportation service.

We recommend enactment of this draft bill which will insure the orderly continuation of our highway programs so vitally important to the welfare and defense of the Nation and which will combine mass transit and highway funding from the Highway Trust Fund in order to best meet the transportation needs of the Nation. The innovative programs which we are proposing will provide a transition from the present program, with its major emphasis on the Interstate System, to the programs for the 1980's when the Interstate System will finally be completed.

The proposed bill does not contain authorization levels for the road programs of the Department of the Interior. These authorizations are currently under review and will be submitted separately shortly.

Please note we have enclosed a draft environmental statement on the proposed legislation. It is transmitted in accordance with section 10(c) of the guidelines of the Council on Environmental Quality for statements on proposed Federal actions affecting the environment. The schedule of hearings on highway legislation for 1972 did not allow adequate time for completion and submission of the final text of the environmental statement and comments thereon. The draft statement is being circulated and a final statement, together with comments, will be submitted upon completion of the circulation process.

The Office of Management and Budget has advised that enactment of this legislation would be in accord with the President's program.

Sincerely,

JOHN A. VOLPE.

THE SECRETARY OF TRANSPORTATION,  
Washington, D.C., April 21, 1972.

HON. SPIRO T. AGNEW,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill "To amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq."

Since the enactment of the Highway Safety Act of 1966, the Department has issued 16 safety standards to guide the efforts of the States in solving the problems of highway safety. In addition, the Department had conducted manpower training programs, and developed and demonstrated new techniques for improving highway safety. This combined Federal-State effort is beginning to show benefits. Despite substantial annual increases in the number of drivers, vehicles and in total vehicle miles, the rate of highway deaths per 100 million miles driven has steadily declined and the number of annual deaths has stabilized. Yet much remains to be done. Nearly 300,000 persons have lost their lives in highway accidents since the passage of the Act; 55,000 persons died during last year alone.

The purpose of this legislation is to amend the Act to improve the Department's effectiveness in preventing highway accidents and deaths and injuries resulting therefrom. This legislation would require the States to incorporate in their comprehensive and annual work programs all programs designated by the Secretary as national emphasis programs. The Secretary would be authorized to designate as a national emphasis program any program that would deal with a national

highway safety problem and had the potential for significantly reducing highway accidents, and deaths and injuries resulting therefrom. A national emphasis program would consist of minimum requirements for measures drawn from one or more of the uniform standards. Such measures would be required to be incorporated in the comprehensive and annual work programs of the States whose on-going efforts in that subject area were deficient.

To emphasize the need for maximizing the effectiveness of the State comprehensive programs, this legislation would clarify the Secretary's authority to promulgate a standard on planning, administration and evaluation of such programs. It would also expressly require, as a precondition to Secretarial approval of a State program, that the program provide for extensive planning, administration and evaluation measures. This requirement will help ensure that each State properly synthesizes its measures for implementing all of the standards into a single, cohesive program for the reduction of highway deaths and injuries.

This legislation would amend section 402 so that subsection (a) would contain only substantive program requirements and subsection (b) would contain only administrative requirements. This would be accomplished by deleting the paragraph in subsection (b) relating to driver education while retaining the requirement in subsection (a) for a driver education standard. The driver education requirements in subsection (b) have been incorporated into Highway Safety Program Standard No. 4, 23 CFR 204.4.

To clarify and standardize the procedures and criteria for determining the public road mileage to be used as a basis for apportioning Federal assistance under section 402, this legislation would add a requirement that such mileage be determined as of the end of the calendar year preceding the year in which the funds are apportioned and be certified by the Governor of the State and subject to approval by the Secretary.

The Act presently requires the Secretary not to apportion any funds to a State which is not implementing a program approved by him. The unapportioned funds are to be redistributed to the implementing States. This legislation would improve the effectiveness of the penalty by giving the Secretary more flexibility in assessing it. The Secretary would be authorized to withhold all or a portion of a State's highway safety funds for the non-implementation of an approved program. If the State remedied its failure within a specified period of time it would receive the full amount of funds due it. Otherwise, the withheld funds would be redistributed to the other States.

The Act provides that section 402 Federal funds may not be used for purposes authorized under section 403. This provision has created confusion about the intent of the statute with regard to the expenditure of section 402 funds for purposes which are authorized by both sections. To clarify the statutory intent, this legislation would expressly authorize the use of such funds for manpower training programs, and for demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom.

This legislation would increase the Secretary's flexibility in implementing section 403 by expressly authorizing him to perform any of the research and development activities authorized by that section through the giving of grants. Presently, the giving of grants under section 403 appears to be limited to training projects for highway safety personnel.

To spur the States to increase their funding commitment to highway safety activities and to develop new approaches to reducing highway fatalities and injuries, this legisla-

tion would authorize the Secretary, in his discretion, to award grants under section 403 to States which he determined to have made significant progress in carrying out the purposes of the Act. The total amount of such grants in any fiscal year would be limited to \$5,000,000.

The legislation would authorize the Secretary to transfer, where he deemed it to be in furtherance of the purposes of the Act, equipment purchased for section 403 demonstration projects to participating State and local governments. This authority would be especially important where the equipment had become an integral part of a project that a State seeks to continue as part of its section 402 program. An example of such equipment would be communications equipment purchased for demonstration projects for emergency medical services that would otherwise have to be replaced, possibly through the use of section 402 Federal funds, if the State were to continue such services.

The Act expressly provides that the Secretary and the Federal Highway Administrator shall be members of the National Highway Safety Advisory Committee. To reflect the joint administration of the Act by the National Highway Traffic Safety Administration and the Federal Highway Administration, this legislation would expressly add the Administrator of the former Administration to the Committee membership.

Multi-disciplinary accident investigation teams, acting under present authority, have had difficulty in persuading witnesses and parties to accidents to provide information necessary to the conduct of their research. This legislation would protect these persons by prohibiting the use of investigation team accident reports as evidence and would thereby facilitate obtaining the accident information.

The Act requires that the annual report on the administration of the Act be submitted by March 1 of the following year. However, some of the data necessary for the reports are typically unavailable for analysis until after that date. In order to provide adequate time for the preparation of a complete, comprehensive report, this legislation would change the submission date to July 1.

Full financing of the Highway Safety Act out of the Highway Trust Fund is appropriate since the cost of insuring the safe operation of highway transportation is properly considered an integral part of the cost of that mode. Consequently, this legislation would authorize the appropriation of \$150,000,000 for fiscal year 1974 and \$220,000,000 for fiscal year 1975 out of the Trust Fund for the carrying out of section 402 of the Act by the National Highway Traffic Safety Administration. For carrying out this section by the Federal Highway Administration, there would be authorized to be appropriated out of the Trust Fund \$30,000,000 for fiscal year 1974 and \$30,000,000 for fiscal year 1975.

This legislation would authorize the appropriation of such funds as are necessary out of the Trust Fund for carrying out section 403 of the Act by the National Highway Traffic Safety Administration. For carrying out sections 307(a) and 403 by the Federal Highway Administration, there would be authorized to be appropriated out of the Trust Fund such funds as are necessary.

After a careful examination of this proposed legislation, the Department has concluded that no significant environmental impact would result from its implementation.

We urge the prompt introduction and early enactment of this legislation.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

JOHN A. VOLPE.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill in-

troduced by Mr. COOPER and Mr. RANDOLPH to amend the Highway Safety Act of 1966, title 23 of the United States Code, be referred to the Committee on Public Works and if and when reported, that it be referred to the Committee on Finance for consideration of any subject matter therein within its jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill introduced by Mr. COOPER to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes, be referred to the Committee on Public Works and if and when it should be reported from the Committee on Public Works, it be referred jointly to the Committees on Banking, Housing and Urban Affairs, Commerce, and Finance for consideration of any subject matter therein falling within their respective jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 926

At the request of Mr. BENTSEN, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 926, a bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States.

S. 2854

At the request of Mr. BURDICK, the Senator from New Jersey (Mr. CASE) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2854, a bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

S. 3044

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3044, a bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs.

S. 3146

At the request of Mr. BENTSEN, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 3146, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes.

S. 3338

At the request of Mr. TALMADGE, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code, to increase the rates of compensation for

disabled veterans, and for other purposes.

#### SENATE JOINT RESOLUTION 122

At the request of Mr. BURDICK, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of Senate Joint Resolution 122, to create a Commission on Revision of the Federal Court Appellate System of the United States.

#### SENATE JOINT RESOLUTION 217

At the request of Mr. McGEE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of Senate Joint Resolution 217, a joint resolution to create an Atlantic Union delegation.

#### SENATE JOINT RESOLUTION 229

At the request of Mr. ALLEN, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of Senate Joint Resolution 229, a joint resolution to name the FBI building now under construction the J. Edgar Hoover Building.

### ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

#### SENATE CONCURRENT RESOLUTION 56

At the request of Mr. HUMPHREY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Concurrent Resolution 56, relating to the abandonment of railroad services.

### OLDER AMERICANS ACT—AMENDMENT

#### AMENDMENT NO. 1184

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (S. 3364) to amend the Older Americans Act of 1965 to promote and maintain the health of senior citizens through the authorization of a comprehensive program of home health services, and for other purposes.

### ORDERLY TRADE IN IRON AND STEEL PRODUCTS—AMENDMENT

#### AMENDMENT NO. 1185

(Ordered to be printed and referred to the Committee on Finance.)

Mr. BROCK submitted an amendment intended to be proposed by him to the bill (S. 2365) to provide for orderly trade in iron and steel products.

### ADDITIONAL COSPONSORS OF AMENDMENTS

#### AMENDMENT NO. 835

At the request of Mr. PERCY, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendment No. 835, intended to be proposed to the bill (H.R. 1), a bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assist-

ance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

#### AMENDMENT NO. 955

At the request of Mr. STEVENSON, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendment No. 955, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

#### AMENDMENT NO. 1173

At the request of Mr. GOLDWATER, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of amendment No. 1173, intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

### ANNOUNCEMENT OF PUBLIC HEARINGS ON THE PROPOSED ACTION ACT OF 1972—S. 3450

Mr. CRANSTON. Mr. President, I announce, for the information of Senators and the public, that open hearings by the Special Subcommittee on Human Resources, of which I am chairman, of the Labor and Public Welfare Committee on the proposed Action Act of 1972 (S. 3450) and domestic programs of Action have been scheduled for Friday, May 12, 1972, commencing at 9:30 a.m. in room 4230 of the New Senate Office Building. Subsequent hearings will be scheduled over the following several weeks, the second day to be on Friday, May 19.

On Friday, the subcommittee will receive testimony from the Honorable Joseph Blatchford, Director of Action, the volunteer agency which administers the Peace Corps, VISTA, the foster grandparents program, the retired senior volunteer program—RSVP, and the SCORE/ACE program; the Honorable FRANK THOMPSON, Jr., Congressman from New Jersey; Doug Richardson of the National VISTA Alliance; and Mr. Rudolph T. Danstead, assistant to Nelson Cruikshank, president of the National Council of Senior Citizens. Members of the committee and the public are urged to attend the opening session of these hearings addressing the future director of the Federal Government's involvement in domestic volunteer programs.

Any person or organization desiring to present testimony or file a statement for the RECORD relating to these hearings should contact Jonathan R. Steinberg, counsel to the subcommittee.

### SENATOR RANDOLPH BELIEVES SENATOR COOPER'S INTRODUCTION OF THE ADMINISTRATION'S HIGHWAY LEGISLATION PROVIDES BASIS FOR SEARCHING EXAMINATION—HEARINGS BEGIN WEDNESDAY, MAY 10

Mr. RANDOLPH. Mr. President, the Senator from Kentucky (Mr. COOPER),

the esteemed ranking minority member of the Committee on Public Works, has placed before the Senate proposals of the administration for revising the Federal aid highway program. These proposals call for substantial and fundamental changes in the national highway program.

The administration's recommendations are concerned not only with the day-to-day operations of the highway program, but reflect basic philosophic changes on the role of the highway program in our total transportation system.

Recommendations of such far-reaching nature as those placed before the Senate are the products of extensive evaluation of our transportation needs and should be neither accepted nor rejected without a searching examination of their implications. I recognize that changing conditions in the United States today have brought about the need for a new approach to transportation. On many occasions, I have discussed the necessity to achieve a balanced transportation system in which all modes of movement are considered with respect to the contributions they can make to such a system.

Highways, subways, buses, railways, airways, and water transportation can no longer be viewed independently. It is in this context that the Committee on Public Works will undertake its consideration of proposals introduced by the Senator from Kentucky and those introduced by other Members of the Senate.

The Subcommittee on Roads, under the responsible chairmanship of the Senator from Indiana (Mr. BAYH), will begin its hearings on all of these proposals tomorrow, Wednesday, May 10, 1972. The subcommittee will hear testimony from a number of witnesses representing a cross section of interests and viewpoints on the transportation needs of our country. The first witness will be Secretary of Transportation John A. Volpe. I anticipate reviewing in detail with him the legislation that has been introduced today.

### NOTICE OF HEARINGS ON FEDERAL COURT JURISDICTION

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce the continuation of hearings on S. 1876 pertaining to the civil jurisdiction of the Federal courts.

The subcommittee will consider Federal question jurisdiction and jurisdiction of three-judge courts. The scheduled witnesses are Judge Henry Friendly, Chief Judge of the Second Circuit Court of Appeals, Prof. Charles A. Wright, and Judge J. Skelly Wright, U.S. Court of Appeals, District of Columbia Circuit.

The hearings will be held on May 16, 17, and 18 beginning at 10 a.m.

Those who wish to testify or submit a statement for inclusion in the record should communicate with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building (extension 5-3618).

# ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. ALLOTT. Mr. President, I ask unanimous consent to have a statement prepared by the distinguished Senator from Nevada (Mr. BIBLE) in connection with committee hearings printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STATEMENT BY SENATOR BIBLE

Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 A.M. on May 22, in room 3110, New Senate Office Building, on the following bills:

S. 1497, to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes.

S. 459, to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes.

S. 2908, to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii and for other purposes.

# ANNOUNCEMENT OF RESCHEDULING OF HEARINGS ON EXTENSION OF VOCATIONAL REHABILITATION ACT

Mr. CRANSTON. Mr. President, I announce, for the information of Senators and the public, that the hearing previously scheduled for May 11 on H.R. 8395 and bill amending the Vocational Rehabilitation Act has been postponed until Monday, May 15, due to the scheduling of an executive session of the full Committee on Labor and Public Welfare for Thursday morning. The administration witnesses originally scheduled to appear on May 11 will be the only witnesses at Monday's hearing beginning at 10 a.m. in room 4232, New Senate Office Building.

I also announce that a second day of hearings will be held at 1:30 p.m. on Thursday, May 18.

## ADDITIONAL STATEMENTS

### SUPPORT FOR THE PRESIDENT BY AMERICA'S YOUTH

Mr. BROCK. Mr. President, the Nation's young people are very much in support of the President's recent steps to end the conflict in Vietnam.

I am extremely heartened by the comments by many young leaders and, with your permission, would like to share these comments with my colleagues and have them read into the RECORD.

Harry McNaught, president of Boy's Nation, said:

The President has made a decision which had to be made. He took a step which had to be taken. I support him now with this decision and will support him in the coming days and weeks when this decision will be tried and tested. The overwhelming majority of young people I have talked to do strongly support this decision as a courageous act to end the war.

Howard Twilley of the Miami Dolphins said:

It was a tough decision, the type that is not politically expedient. I wouldn't want to be the one to have to make it, but it was a good, courageous decision.

Former Miss America and actress Mary Ann Mobley said:

I admire President Nixon's courage. It's about time we stood up for what's right. I approve fully of his actions as I believe that this latest drive was timed for this political year, but they never believed the President would have the courage and determination to respond in this manner. He had no other choice. I know the people of this land will stand behind him 100%.

Linda Beene, national president of Future Business Leaders of America, said:

Young people support this courageous decision and know the President did what he thought was right for the country. I feel young people will rally in support of their President when he and the country need it most.

Gary Hughes, president of Vocational-Industrial Clubs of America, said:

Not only young Americans, but all Americans will agree with what the President has done. Now is the time when the President needs the support of the country and I wholeheartedly support these moves.

Linda Blue, youngest city councilman in Denver, Colo., said:

I think young people are able to perceive a difference between guerrilla war and brutal and naked aggression . . . young people will see it makes abundant sense to deny the North Vietnamese the war-making material that could be used against the South Vietnamese refugees. I think they will feel the President has taken a very courageous stand to eliminate the tools of war and thus bring the conflict to an end.

Don Sundquist, Young Republican National Federation Chairman said:

The President's action in Vietnam to halt the free flow of supplies to the invading North Vietnamese Army took courage and determination. It is this kind of courage that young people support and I join with all young Americans in supporting the President in this difficult time.

Bob Kasten, Jr., chairman of the Wisconsin Young Voters for the President Committee, said:

As Chairman of the Young Voters for the President in Wisconsin, I know I join with young people throughout our State in applauding the President's decision and courageous action to bring about a just and lasting settlement of the conflict in Vietnam. In the past several months I have learned enough about politics to know that this decision was not a simple one for him to reach and that his courageous action is based on much more than political considerations. As a volunteer in the President's Re-Election effort, I can assure him that I and members of our organization here will redouble our efforts to support his decision.

Miss Teenage America, Janene Forsyth, said:

I really believe the President has looked at every possibility. He could have easily gotten out for political advantage, but he is really concerned about the problem. I was most impressed with his courage and certainly support him to the fullest extent.

Miss Texas, Brenda Box, said:

Bravo, bravo! We should have done it long ago. The President could not have done anything greater.

Mike Dively, State representative from Michigan and Chairman of the White House Conference on Youth Followup Committee, said:

What the President has done required a tremendous amount of courage which will bring us, once and for all, a decision in Indochina. This is a very positive, decisive step, an act of political courage—one which will bring us substantially closer to peace.

Sherry Shealy, South Carolina State representative, age 21, said:

The President is taking steps that few would dare take. It's a courageous act by a courageous man to insure a generation of peace.

And Westchester County Youth Advisory Council Chairman Jeffrey Volk, said:

The President tonight took an unprecedented and courageous step towards finally realizing a true and effective peace in Southeast Asia in his remarks to the Nation. It is clear that the United States is proceeding with all deliberate speed towards achieving a just peace to this very tragic conflict. It has also become apparent that the only party holding up progress towards this end is those in control in Hanoi. The time has come for the youth of the Nation to unite behind the President in his efforts to achieve a generation of peace. I am sure the youth of Westchester County will join with me in supporting the President's actions tonight and in urging their peers to take similar action.

## OIL PIPELINES: TRANS-ALASKAN VERSUS TRANS-CANADIAN

Mr. PROXMIRE. Mr. President, last Sunday's Washington Post contains a most perceptive and most damaging analysis of the Interior Department's impact statement on the trans-Alaskan pipeline.

Even the minimal analysis buried under the masses of verbiage in the impact statement showed that a trans-Canadian pipeline made far more economic and environmental sense than does the proposed trans-Alaskan pipeline. However, we do need more information about the trans-Canadian pipeline and I think the Interior Department would be derelict in its duty if it made a decision on the trans-Alaskan pipeline without that information.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE DARKNESS AT THE END OF THE PIPELINE

(By C. Robert Zelnick)

(NOTE.—Any point along the southern two-thirds of the proposed pipeline route could be subjected to an earthquake of magnitude greater than 7.0 on the Richter scale, and it is almost a certainty that one or more large-magnitude earthquakes will occur in the vicinity of this portion of the proposed route during the lifetime of the pipeline. Strong ground motion and large ground displacement accompanying such an earthquake could damage—even rupture—the proposed pipeline.

In the event of a pipeline rupture, 14,000 barrels of oil could leak out during the time required for pump station shutdown and valve closure. After shutdown and valve closure, up to an additional 50,000 barrels of oil would drain from the pipeline at some localities.—Final Environmental Impact Statement Proposed Trans-Alaska Pipeline.)

Among those who care about such things, the conviction runs deep that the battle over the trans-Alaska pipeline has become the Interior Department's Vietnam. Ill-conceived from its inception, fraudulently purveyed, divisive in its political repercussions and disastrous in its consequences, the project has little to recommend itself other than the enormous quantity of resources already poured into its accomplishment.

Yet Interior continues to see light at the end of the pipeline. That it will issue the right-of-way needed by the Alyeska Pipeline Company—a consortium of seven oil industry giants—to cross federal lands in Alaska seems a foregone conclusion. On March 20, the day his department released its massive "final" impact statement—which conceded every significant ecological objection ever voiced against the 789-mile Prudhoe Bay-to-Valdez route, Interior Secretary Rogers C. B. Morton promised a decision "within about 45 days." Eight days later, after meeting with Morton, Peter Flanigan and other administration officials to express his country's desire "for the construction of a Mackenzie Valley pipeline," Donald S. Macdonald, Canada's Minister of Energy, Mines, and Resources, told reporters at a Washington news conference: "... I had the impression that, with so much effort and study invested in the trans-Alaska pipeline, that it rather looks as though they would be giving that priority in their consideration."

Actually, as Morton conceded in an appearance on the "Today" show the morning after Interior released its report, his department could not have decided anything with finality within 45 days. Since April, 1971, Interior has been blocked by an injunction issued by the federal district court in Washington from issuing the permit. Two weeks advance notice is required, during which time Judge George L. Hart Jr., will have to satisfy himself that Interior has complied with the National Environmental Policy Act of 1969. The act requires a complete statement of the consequences of any agency action "significantly affecting the quality of the human environment," plus a thorough examination of alternative courses.

Hart, a model of judicial self-restraint, is expected to rule for Interior. The Wilderness Society, Friends of the Earth, and the Environmental Defense Fund—the three environmental group plaintiffs—would then probably appeal to the more assertive U.S. Court of Appeals, with the loser, in all likelihood, taking the case to the Supreme Court. The ultimate result is almost certain to be a landmark decision in environmental—or, for that matter, administrative—law.

#### THE CHOICES

The nub of the social issue involved is not whether Alaskan oil should be brought to market. Rather, the choice is between an 1,800-mile overland route, 1,500 miles of which would traverse Canada's Mackenzie Valley, and a shorter land route from Prudhoe Bay to Valdez, with the oil then moving via tankers to ports on the U.S. West Coast. The nub of the legal issue is whether Interior has considered the Canadian alternative to the degree necessary to satisfy the environment law, and whether, regardless of Interior's diligence, the evidence of favoring the Canadian route is not so overwhelming as to make any right-of-way grant through Alaska a clear abuse of administrative discretion.

Environmentalists are convinced that the Mackenzie Valley route is superior, in part because it involves a single pipeline corridor rather than two, and that should Morton decide otherwise, they can beat him in court. They maintain that abundant support for their position can be found in Interior's own impact statement of March 20. The stakes are high. The pipeline project would be the largest undertaking in the history of private enterprise. The oil industry claims to have invested almost \$100 million to date in studying the Alaskan terrain and in procuring pipe and construction materials. That figure, even if exaggerated, is a mere pittance compared to the profits they expect to reap from the venture.

The known oil field in the Prudhoe Bay area—three giant pools running inland from a 40-mile stretch along the Beaufort Sea and covering an area the size of Massachusetts—exceeds 10 billion barrels. This, however, is only a fraction of what the industry eventually hopes to find. Forty billion barrels is a more realistic estimate. In September, 1969, an assortment of producers paid Alaska more than \$900 million for the privilege of looking for more North Slope oil. A barrel of oil sells for about \$3.25 on the West Coast, more in the Midwest and East.

#### NO "GOOD" WAY

Despite years of study and volumes of "stipulations" designed to protect the environment, there remains no "good" way of running 2 million barrels of oil a day through 48 inches of pipe at a temperature of 145 degrees Fahrenheit over and under a vast stretch of Arctic wilderness. You have to begin by building gravel service roads and air strips large enough to accommodate the big Hercules aircraft. You must find more gravel for 12 camp sites and 6 pumping stations, each 50 acres; this means gouging about 50 million cubic feet of gravel out of riverbeds and off the tops of hillsides along the way. Stream siltation and land erosion are the inevitable results. Some 350 streams would be crossed by the route. Many are spawning grounds for salmon and grayling. Oil spills can be a problem there. They can be even more of a problem if the oil gets carried out to the Beaufort Sea and trapped under the ice. Then the oil becomes a permanent part of the marine ecology.

If you decide to bury the pipe all the way, its heat melts the permafrost, causing slides and differential settlement, eroding the support for the structure and eventually causing a break. When you are forced to build part of it on stilts, you erect a barrier that blocks caribou and other migrating animals and subjects the line to greater risks of surface damage. When you dig a ditch to catch expected oil spills, the ditch becomes a moat, entrapping other animals.

Your service road extends civilization where it has never reached before. The construction activity, the planes landing and taking off and the helicopters hovering overhead frighten bear and caribou, rare birds and sheep. When these move to other areas, they die or cause other animals to die. The ecological balance in the Arctic is fragile. In the winter, a caribou uses almost all its energy just staying alive. A single timberwolf can exhaust and kill the stoutest buck in the herd. So can a bulldozer.

What we get in return for the partial destruction of our nation's largest wilderness area is more oil, a lot of natural gas, the corresponding need to spend fewer U.S. dollars buying foreign sources of energy, and, arguably, a mild, temporary improvement in our national defense posture. This latter case has been stated so often and with such apparent conviction by both the Interior Department and the oil industry that one wonders how we would have survived had

not the Prudhoe Bay field been discovered in 1968. Statistical projections provide a clue.

#### THE EARTHQUAKE PROBLEM

By 1980, the United States is expected to be using about 22 million barrels of oil daily and producing some 10.4 million barrels, excluding what is to be drawn from the North Slope. Part of our expected deficit can be made up by importing an estimated 4 million barrels a day from nations in the Western Hemisphere. The rest will have to come from Indonesia and the Middle East.

Alaska's 2 million barrels daily could reduce this dependency somewhat for about five years. After that, our demand is expected to so outstrip domestic production that North Slope oil will be of little strategic value. In the case of a minor outbreak in the Middle East, say between 1980 and 1985, the benefit is obvious. But if the problem were big and with Russia, an exposed pipeline can offer small comfort to our military strategists. Prudhoe Bay is only 600 miles from Siberia.

While conservationists—at least those involved in the pipeline battle—accept the reality that 10 billion to 40 billion barrels of oil are going to find their way to market, they believe that even if oil was the only resource involved and even if big tankers weren't needed for the remainder of the Alaskan route, the Canadian route, while longer, is preferable. For one thing, the Alaskan area involved is renowned for its extreme seismic activity. In the past 70 years, some 23 major earthquakes have clobbered the terrain over and under which the Alaskan pipeline would go; any one of the quakes could have caused a catastrophic break in the pipe. Valdez itself, where a 900-acre, 510,000-barrel-capacity "tank farm" is planned, is a "new" city, about four miles northwest of its predecessor. The "old" Valdez was substantially washed into the sea as tidal waves of up to 170 feet rolled ashore following the great Alaska earthquake of 1964.

The route through Canada poses no comparable seismic problems. It has fewer miles of unstable soil and more existing roads, even railroads. From Edmonton, the proposed Canadian terminus, existing pipelines now extend both to the Midwest (Chicago) and the West Coast (Seattle). Certainly less environmental damage is involved in expanding existing facilities or building parallel facilities than in constructing new ones.

#### THE GAS LINE

The relative merits of one land route versus another, however, are matters about which a court is unlikely to substitute its judgment for that of an administrative agency with admitted expertise in the field. But what about two land routes versus one land route? Environmentalists claim that this is the fatal legal weakness in Interior's position. Buried, almost lost in the department's six-volume statement, and totally lacking from its consideration of alternatives to the Alaska route, is the acknowledgment that "at some time during the operation of the proposed trans-Alaska pipeline, it would become necessary to transport to market the natural gas that would be produced with the Prudhoe oil."

Indeed it would. In fact, it is estimated that 26 trillion cubic feet of gas are under the Prudhoe Bay fields waiting to be developed with the oil. Moreover, Interior says, "route selection and construction procedures would be similar to those for an oil pipeline but with some simplifications resulting from reduced pipe weight and lower operating temperatures."

Yet logistics militate against the likelihood of a trans-Alaska gas pipeline. The gas would have to be liquefied at Valdez prior to shipment. Interior estimates that operational costs of a liquefaction plant would run to

half a billion dollars a year. Additionally, there are only about a dozen liquefied natural gas tankers operating in the world, while some 20 to 40 would have to be built to handle the Valdez traffic alone. Thus, Interior concludes, "A gas pipeline across Alaska appears to be a remote possibility because of the problems involved in shipment from the southern terminus; a gas pipeline through Canada to the Midwest seems to be much more feasible."

Of the various Canadian possibilities, Interior leans toward the Mackenzie Valley, noting, "The Mackenzie River is a valuable artery for use in the construction of a trans-Canada gas pipeline. Good all-weather roads and some railway mileage also exist, and existing winter trails would be valuable at the right time of the year." So much does Interior favor the Canadian route when it comes to natural gas—where neither oil industry prestige nor money is on the line—that in March Secretary Morton set aside a 300-mile corridor on federal lands in northern Alaska along the route the natural gas would travel from Prudhoe Bay to Fort McPherson atop the Mackenzie Valley.

If Interior is a bit circumspect about confessing that, in effect, it plans to grant two rights-of-way instead of one, it is far less bashful in assessing the environmental impact of 41 oil-laden tankers as they steam between Valdez and West Coast ports. Here, in fact, the report takes on a quality of terrifying candor, much like Yukio Mishima standing on the balcony, coldly describing the act of harikari he is about to perform.

The sea journey poses exceptional hazards, particularly for the crews of oil tankers. Port Valdez is a 3-mile-wide, steep-walled glaciated fjord that extends east-west about 14 miles. It narrows to less than a mile before dumping out into the Valdez Arm section of the 2,500-square-mile Prince William Sound. The coastline is rocky and treacherous, not entirely free of icebergs and blasted by frequent gale-force winds. A special pilot must guide each vessel through the narrow neck of the port.

The area, moreover, is one of extreme seismic activity. Prince William Sound was the epicenter of the 1964 Alaskan earthquake during which, as Interior notes, "74 lives were lost mainly as a result of submarine landslides, sudden large-scale tectonic displacements, destructive waves, and, to a lesser extent, vibration of structures."

From Prince William Sound the tankers would run into the Gulf of Alaska and down the foggy northern Pacific coast. "During the cool months," Interior says, "the Gulf has the highest frequency of extratropical cyclones in the Northern Hemisphere." From October through February, it is rocked by waves of 12 feet or better about 20 per cent of the time. Moreover, "the 1964 Alaskan earthquake was but one of a large number of earthquakes of moderate and high intensity that have occurred in or near the Gulf of Alaska, and there is no geologic basis to assume that other equally devastating earthquakes will not occur in the near future."

#### "REHABILITATING" BIRDS

Plans call for about 10 per cent of the tankers to pass through the narrow Strait of Juan de Fuca—where again navigational hazards will require the assistance of a pilot—and into the 40 miles of beautiful waterway known as Puget Sound, a recreational haven for 2 million Americans and Canadians. The remaining vessels would head for San Francisco, Los Angeles and points further south.

Again, seismic dangers will be extreme. Interior recalls that "on April 13, 1949, an earthquake with an intensity of 7.1 on the Richter scale and an epicenter between Olympia and Tacoma resulted in approximately \$25 million damage to the Puget Sound area. More recently, on April 29, 1965,

an earthquake of slightly less intensity (6.5) with an epicenter between Seattle and Tacoma caused an estimated \$12.5 million damage to the Seattle area. These are the two largest of the numerous earthquakes that have occurred in this region during the last hundred years; the level of seismic activity has increased substantially during the last few decades."

Interior estimates that if the performance of the oil tankers on the Valdez run was no better than the world-wide average, we can anticipate spills averaging 384 barrels a day, or about 140,000 barrels a year. Better vessels may reduce these numbers somewhat, but the damage per spill would likely exceed the world-wide average since "large spills in the area would be more difficult to contain, clean up and restore because of the distances from sources of ships and cleanup gear and the generally limited manpower in the region."

Interior details the impact all this filth would likely have on the huge salmon runs of the Northern Pacific, and how it would probably impede, and perhaps wipe out, fishing in the Port Valdez-Prince William Sound area, where the coastal waters are today as pristine as any on earth. On a cheerier note, while chronicling the devastating effect an oil spill might have on the many rare migratory bird species that inhabit Alaska-Canadian coastal areas during certain months, Interior records for posterity Alyeska's pledge to "rehabilitate" those birds belonging to endangered species. The term seems peculiarly appropriate. In this forgiving society we "rehabilitate" drunkards, junkies, whores and others who have gone astray. Clearly the murres, murrelets, loons, grebes, albatrosses, gulls, terns, ducks, geese and shore birds who fall victim to the oil industry's determination to bring its goods to market along the route it deems best are out of step with the natural order of things and gravely in need of "rehabilitation." Unfortunately, only about one in seven of the poor creatures doused in the San Francisco Harbor spill a year ago lived long enough to profit from the experience.

#### SHOCKING OMISSIONS

If the six volumes of Interior's report dealing with the environmental impact of the combination overland-tanker route contain some shocking revelations, the three-volume economic analysis shocks by what it fails to disclose. Simply stated, a careful reading of Interior's economic analysis provides no clue as to why Alaskan crude should go to the West Coast in the first place, certainly none justifying an lota of increased environmental risk.

The West Coast is second only to the Southwest in the production of petroleum. It will not need any Alaskan crude for the next few years, will not be able to absorb 2 million barrels a day from the North Slope until well into the 1980s, and, if as expected, Alaskan production increases to 5 million barrels a day, the West Coast will not be able to absorb the surplus during the life of the pipeline.

Thus, even ignoring the greater hazard of the tanker route from Valdez, it is nonsense to say, as Secretary Morton did on his March 21 "Today" show appearance, that "if the pipeline went through Canada and if it ended up in the middle of the country, you would then have to bring oil into the West Coast by tanker. So the same amount of oil would be arriving by tanker."

The West Coast simply does not need as much oil as Alyeska wants to provide. And, if it did, the obvious source would be the Southwest or Canada, a fact Canadian minister Macdonald has been pressing upon his Washington counterparts without apparent success. On April 19, for example, Macdonald was questioned in the Ottawa House of Commons by David Anderson, a Vancouver MP active in the battle against Alaskan tanker traffic, as to whether Canada was will-

ing to supply the United States with enough oil to compensate for the anticipated additional two years it would take to complete the trans-Canada route. Macdonald's reply:

"Both in my discussions with Secretary Morton and other officials of the United States administration in Washington and recently with Secretary Rogers last week, I made it perfectly clear that Canada was prepared to supply additional quantities of oil to the United States not only for a two-year period, but a longer period, and that this would be facilitated by their lifting their quota system."

Would Alyeska, assuming a right-of-way is granted for the trans-Alaska pipeline, then be stuck with a \$2 billion to \$4 billion Edsel, given the bearish West Coast market for Alaskan crude? A few energy economists believe so and have privately expressed surprise that the oil industry has been able to maintain so united a front on the issue while both the East and Midwest hunger for additional crude oil. More probably, Arco and British Petroleum, the two companies with the biggest positions in the pipeline, would be able to trade their excess crude to Japan in exchange for Japanese rights to Middle East oil, rights purchased long in advance. The Middle East crude oil could then be sold at a good profit on the East Coast, bailing the two companies out of their predicament but making an utter shambles of any national defense arguments for trans-Alaska route.

#### WINNING IN THE COURTS?

There is a reasonable chance that the environmentalists will ultimately prevail in the courts. Perhaps they will persuade the courts that Interior's failure to consider adjacent oil and gas pipelines rendered its statement procedurally inadequate. Perhaps they will win an even more significant point by forcing Interior to abide by the results of its own research, thus introducing important substantive requirements, as well as procedural ones, into the environmental law.

Interior, meanwhile, hopes that its "final" impact statement on the trans-Alaska pipeline will at last get the environmental monkey off its back. From the outset it seems to have regarded the environment statute as an unwelcome encumbrance to a predetermined course.

Two years ago the department attempted to grant the oil consortium a right-of-way to build a service road adjacent to the pipeline, arguing, incredibly, that the road and the pipeline were unrelated. Its impact statement on 31 miles of gravel carved into the middle of Alaska's wilderness totaled four pages, and became the subject of the court injunction still in effect.

Interior's second attempt at compliance with the environmental law was a bit more sophisticated, but not much. Its multi-volume "draft" impact statement, produced in January, 1971, during the interregnum between the Hickel and Morton secretaryships, was basically a collection of data and arguments compiled by Alyeska itself. In that report, the department found it unnecessary either to consider the impact of tanker traffic from Port Valdez to the West Coast or to assess the feasibility of a trans-Canada pipeline route. Even today, Secretary Morton can be heard arguing from time to time that consideration of the Canadian alternative is superfluous because "no application for a Canadian route is pending." Since the 1965 *Scenic Hudson* case, however, federal courts have held that an administrative agency charged with protecting the environment has a duty to consider alternatives not placed before it by the parties. It cannot only "sit as an umpire blandly calling balls and strikes," the court found. In any event, Interior's 1971 statement was sufficiently derelict so that even the Corps of Engineers in its formal comment warned that the department had failed "fully to comply with the

letter and spirit of the Environmental Policy Act."

#### SCARCE STATEMENT

The Justice Department, fighting the pipeline case for Interior in court, has also shown a greater zest for adversarial than guardianship of the public domain. Last summer, more than a year after the first lawsuit was filed, Justice tried unsuccessfully to remove the case from the District of Columbia to the friendlier confines of the U.S. District Court in Anchorage, Alaska. This past April, when MP Anderson and several Canadian residents of the Puget Sound area sought to intervene in the case, Justice opposed the motion.

Now we have Interior's third attempt at compliance with the environmental act. Legally, the department hopes that by confessing the devastating results of its proposed action, it can achieve what it failed to get by denying those results in its two earlier efforts. Politically, it appears anxious to present the public with a *fait accompli*. In the weeks since March 20, only seven copies of the impact statement have been made available to the public without cost in six cities across the entire "lower 48" states. For others, the volumes cost \$42.50 a set. Faced with a demand for public hearings, Under Secretary William Pecora claimed that "a public hearing would be a circus" and would "interfere with a more thoughtful and rational analysis of this complex document."

"Clearly the department has not tried to encourage hearings or informed debate," complained the Christian Science Monitor on May 2, in what might pass as the editorial understatement of the year. The Monitor went on to wonder "how much 'thoughtful and rational analysis' the Interior Department has itself given to the study." Before too long the federal courts may themselves be wondering the same thing.

The salmon resource south of Prince William Sound to California, which yields an annual harvest of \$58 million, would be exposed to the threat of spills offshore or in the approaches to Prince William Sound, Puget Sound and San Francisco Bay. Herring eggs and larvae appear particularly vulnerable to the effects of oil pollution and the Prince William Sound herring fishery would be adversely affected by oil pollution associated with the terminal operation as well as by accidental spills. The vulnerability of claims, oysters, and other shellfish to oil pollution has been demonstrated and the evidence indicates that a large part of the shellfish resource in Port Valdez could suffer adverse effects. Commercial and recreational harvest of shellfish in Port Valdez could be restricted and perhaps lost entirely for unknown lengths of time due to a combination of lower quantity and quality, the conflict between fishing operations and vessel traffic, and possible closure to fishing due to the health hazard of tainted products. Also it is likely that the commercial and recreational harvest of Dungeness crabs in Port Valdez would be lost as a result of normal terminal operations.—Final Environmental Impact Statement Proposed Trans-Alaska Pipeline.

Crude oil in concentrations as low as 0.3 mg/l is extremely toxic to fresh water fish.

Numerous studies of accidental oil spills have shown that crude oil and distilled petroleum products are toxic to plants. Data from Alyeska studies show that tundra species are killed where parts of the tundra plants are coated with Prudhoe Bay crude oil. Oil caused loss of vegetation in areas underlain by ice-rich permafrost would result in its degradation and erosion of the soil.

Oil spilled in tanker casualties or transfer operations would affect the marine ecosystem to an extent that would be determined by many variable factors. The salmon and other fishery resources of Prince William

Sound would be especially vulnerable to such spills. Over the long term, however, persistent low-level discharge from the ballast treatment facility and tank cleaning operations at sea could have a greater adverse effect than could short-lived larger spills.—Final Environmental Impact Statement Proposed Trans-Alaska Pipeline.

Because of the scale and nature of the project, the impact would occur on abiotic, biotic, and socioeconomic components of the human environment far beyond the relatively small part (940 square miles out of 572,000 square miles of land area) of Alaska that would be occupied by the pipeline and oil-field.

Virtually all activities related to pipeline and road construction have a potential to cause erosion through watershed disturbance.

The frequency, volume, and location of potential spills from the proposed system cannot be modeled or predicted with the available information.—Final Environmental Impact Statement Proposed Trans-Alaska Pipeline.

#### ADDRESS BY U.S. PATENT COMMISSIONER ROBERT GOTTSCHALK

Mr. SCOTT. Mr. President, several weeks ago, U.S. Patent Commissioner Robert Gottschalk spoke to the Pittsburgh Patent Law Association. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### THE NATION'S NEEDS AND THE SCOTT AMENDMENTS

(Address by the Honorable Robert Gottschalk, Commissioner of Patents)

The Constitution, you will recall, contemplated that Congress would establish a patent system to promote the progress of the useful arts.

I have long held a deep conviction that our patent system, so established, is sound in principle, morally right, and desperately important—and that we are all under a heavy obligation to make as sure as we can that the system functions effectively, as the founding fathers intended.

We had an open house at the Patent Office two weeks ago, on a Sunday afternoon. It was an all-time first. It was a great thing to see our Patent Office people—of all grade levels, and all ages, professionals and non-professionals alike—come and bring their families. One of our objectives, of course, was to help bring home to all of them the nature of our work and a sense of our mission—and some appreciation of the many contributions we have made over the long course of our history.

The thought struck me rather forcefully that afternoon that while there are today a great many Government agencies—and while we're not the biggest by a long shot—none are older than we are, and very few, in the long view, have been more important than we have.

There is no question that, from the very beginning, our patent system has been a vital factor in the growth and the progress of this country. To me it's particularly important to realize this at this time—because, as I see it, our country is facing today a challenge greater than any that has confronted it in perhaps more than a century—a challenge to our national stature, our industrial and commercial leadership, our quality of life and our social progress.

You'll recall that some years ago the launching by the USSR of "Sputnik" had a tremendous impact on this country. It gave

us a jolt. It did a lot to stimulate and reshape the thinking here about education, technology, and many aspects of our national life.

Our response was dramatic. There was a great upsurge in technological activity, and, literally, we shot for new highs. We put men on the moon. We really made history at a terrific clip.

Well, it seems to me that we are facing today something that I think of personally as Sputnik II. We've had another shock, another rude awakening. We have another challenge.

We've come to realize, as the President put it, that we're no longer "running against the clock"—today we're running against very real competition. And unless we're successful in this new contest, the very things that we have taken so often for granted, as basic and inherent in what we think of as the American way of life, will be lost to us.

We've taken for granted our progress, convenience, high standards of living, and superiority across the board.

We're no longer justified in making those assumptions. We're no longer wise, if we pursue our activities on the basis that we're way out front—when the facts indicate that we are not. We've got to recognize the reality of the challenge and its seriousness—and react properly to it.

I think this is of great interest to all of us here tonight—and this certainly includes my colleagues from the Department of Commerce, who are concerned not just with the patent area, but the broader aspects of trade generally.

What we've got to realize is that it's only as we compete effectively internationally, that we can regain the kind of economic advantages that we have enjoyed in the past. It's from those economic advantages that we have been able to derive the pleasures and the comforts, and the social progress, which have come to be so important in our way of thinking about life in this country.

In all of this, the patent system must play a vital role. The patent system must be effective in helping to meet that challenge.

It was very heartening to me to find in the President's Message to the Congress of March 16th on Science and Technology, that he had this to say, in the context of improving the climate for innovation:

"There are many ways in which the Federal Government influences the level and quality of private research and development. Its direct supportive efforts are important, but other policies—such as tax, patent, procurement, regulation, and antitrust policies—also can have a significant effect on the climate for innovation."

"We know, for instance, that a strong and reliable patent system is important to technological progress and industrial strength. The process of applying technology to achieve our national goals calls for a tremendous investment of money, energy, and talent by our private enterprise system. If we expect industry to support this investment, we must make the most effective possible use of the incentives which are provided by our patent system."

Now as I'm sure you are all aware, the Administration is determined to do everything possible to support the role of technology and the patent system in meeting this challenge. Secretary of Commerce Peterson has so committed himself on, to the best of my knowledge, every occasion when he has spoken publicly, since he became Secretary, and also on several occasions before he did.

He has stressed the importance of technology. He has stressed the importance of patents and patent policy.

It's in that environment that we are doing our job in the Patent Office today. It's with a sense of purpose and mission which has always been present, but which has never

been more important, more keenly felt, than it is at this time.

I've had a long time interest in what might be called the commercial aspects of patent activity—licensing, for example. To me one of the great things about the patent system is that it draws on every talent that each of us has. It affords each of us an opportunity to be effective—doing what we like best, and what we can do best.

The dissemination of technical information by means of patents is a basic necessity, if progress is to continue. But the actual application, on a commercial scale, of what does result from the innovative act—from the process of invention—depends upon far more than technology alone. The skills of business and management are called into play.

Even so, none of this, in the majority of situations, would mean a thing if it were not for the fact that our patent system, as we have known it, provides the incentive—to which the President referred—to invest in the very risky, and very costly, development work that is necessary to translate the crude form of a new invention into something which is commercially salable, commercially usable.

It's only as that process occurs successfully—it's only as new processes are adopted, and new products enter the market place—that the progress of the useful arts really materializes.

This is why we have chosen the type of patent system we have. The inventor would be rewarded by a bonus or a prize—but these alone would provide no such incentive for the commercialization of new ideas. They would not provide the kinds of incentive and support that our patent system provides.

So it seems to me that it's very important to have the engineer and the scientist at one end of the spectrum, the businessman at the other end of it, and the patent system available and functioning effectively to bridge the gap between them.

The new term, of course, is "technology transfer"—and this is what it's all about. What that really means to me, and I think to most people nowadays, is that what exists in the pure technological state is translated into terms of practical commercial reality.

It's only as the entire process is complete and effective in all its phases—innovation, transfer and application—that we can achieve the national goals to which the President is referring.

Now against that background, let me suggest this. As I've often said—and as you would, I am sure, agree—I regard a sound patent system as dependent upon a sound Patent Office. But a sound Patent Office alone is not enough. Other elements are involved. The courts are involved, the bar is involved, the public is involved, other government agencies are involved, and the Congress is involved.

Unless each of the actors in this total drama understands what the play is about—unless we're guided by the same script, toward the same objectives—we may not achieve the results toward which the founding fathers pointed with that Constitutional provision. We've got to be sure that we don't work at cross purposes, and cancel out each other's efforts.

We've got to stop, I think, some of the circular conversation which has been so costly in terms of diverting our attention from the real objectives and needs of the system.

There's a great deal that can be said about what ought to be done, I think, in each of these areas.

I'd like, however, to direct my remarks this evening to the area of patent licensing.

The success of the entire patent system, of course, is predicated on the assumption that patents are worth having. Often, pat-

ents are worth having only if they may be licensed or assigned.

Freedom and certainty for a patent owner in licensing, or otherwise transferring, his patent rights are vitally important to the functioning of the patent system. The greater this freedom and certainty, the greater the incentives to invent and invest in the commercialization of new inventions, and to license others to use the new technology.

The converse, however, is equally true: the impairment or loss of effective licensing substantially negates the incentives, and the effectiveness, of the patent system. And in view of the challenges we are facing today with respect to our technological leadership, I feel this is a matter of grave national concern, which commands our urgent attention.

A week ago yesterday, for example, the Secretary of Commerce discussed the continued deterioration in our trade position, in testimony before the House Subcommittee on Science, Research and Development. Our overall balance of trade showed a deficit in 1971 for the first time since 1893. Among the factors contributing to this deficit, Secretary Peterson pointed out that our performance in the generation of new technology has been lagging relative to other countries.

We need to use, with maximum efficiency, every means at our disposal for stimulating development and commercialization of new technology.

Unfortunately, for some time now the right of patent owners to utilize their patent rights and inventions has been under attack. In recent years, there have been many questions raised as to the freedom of patentees to license or otherwise transfer their patent rights.

This has come about through so called case-by-case development of the law; and has been intensified by many speeches and writings highly critical of existing practices. The result has been that great uncertainty now exists concerning patent licensing.

The hearings before the Senate Subcommittee on Patents, Trademarks, and Copyrights in May of last year brought this out most clearly.

One witness said:

"At present, there is great confusion and uncertainty as to the legality of certain patent licensing practices under the Anti-trust laws as present construed."

Another stated:

"The resultant problem is that there is a tremendous turmoil and uncertainty in this country as to what are the values of patent rights and what you can do with regard to licensing your patent on a reasonable basis."

Many others testified to the same effect. Several gave striking examples from their own experiences as to how this uncertainty has discouraged development and commercialization of patented inventions.

It was to arrest the further development of the trend in judicial decisions toward restriction of the patentee's rights—and to restore a sense of stability and confidence with respect to the licensable nature of patent rights—that the Scott Amendments were introduced.

You will, of course, recall that when these Amendments were introduced by the senior Senator from Pennsylvania, he noted that your Association approved them in principle.

The Department of Commerce also believed, and continues to believe, that there is an urgent need for statutory clarification and stabilization of national law and policy with respect to the licensing of patents. We recommended to the Senate Subcommittee, in May 1971, statutory provisions along the same lines as the Scott Amendments.

What happened, of course, is well known to most of you. The Amendments were vigorously opposed by the Department of Justice and others.

Last October, the Senate Subcommittee reported out the McClellan bill, S. 643, without

any patent-antitrust amendments. Since that time, there has been continuing discussion of the Amendments, and the possibility that they might receive further consideration in the Congress.

I certainly hope they will—for the Scott Amendments would provide the greater certainty and stability with respect to patent licensing which are so sorely needed today.

They would provide these by clarifying the legitimacy of a number of commonly-used license provisions, and codify the "rule of reason" of the 1926 *General Electric* case, which is already the prevailing test for judging the legality of licensing arrangements.

The Amendments would make no significant changes in prevailing patent laws.

The opponents of the Amendments have insisted that they would effect major changes in existing laws. In my opinion, these charges are entirely unfounded.

I believe the fundamental reason for opposition to the Scott Amendments is that the critics want the law to be developed by the courts on a case-by-case basis; and many times, in repetitive rhetoric, they have strongly urged that point of view.

I submit that this is wrong. The public interest would be far better served by—and it urgently requires—clarification of the patent-antitrust relationship through legislation.

Let's consider a few examples of what's been happening under the case-by-case approach.

Defendants in patent litigation continue to raise the "exorbitant royalty" defense that was recognized in the *American Photocopy* case\* in 1966—although it certainly is not prevailing law, and has been expressly rejected in subsequent cases. Even the Government raised the exorbitant royalty defense in the recent *Carter Wallace* litigation in the Court of Claims.

Nevertheless, in opposing the Scott Amendments, the Department of Justice subsequently testified, at the Senate hearings, that legislation on this subject was unnecessary, because the defense has been adopted by the Courts in only a single case.

In the absence of legislation, this issue may continue to be litigated, and some other court may well decide to condemn "exorbitant royalties." That such developments are not unlikely, and by no means impossible, is abundantly clear from what happened in the wake of *Lear*.

Following the unfortunate dicta in the *Lear* case, the business community was shaken by the district court decision in *Painton*. That decision would have abolished protection for trade secrets, and threatened to wipe out a large part of the favorable balance of payments—of over a billion dollars annually—that the United States enjoys from licensing technology abroad.

Even the Justice Department agreed that this decision had gone too far.

But when *Painton* was reversed by the court of appeals, Justice took the position that this reversal itself served to demonstrate that no legislation was necessary; and that the litigating process in the courts could be relied upon to properly control and regulate the development of such legal doctrines. Fortunately, however, the Senate Subcommittee did approve a modified version of section 301 of the McClellan bill, which should spare future litigants the burden of having to reexamine the *Painton* case in other district courts.

The recent decision in *Troxel v. Schwinn*, in the Western District of Tennessee, involved a specifically different legal doctrine,

\**American Photocopy v. Rovico, Inc.*, 359 F.2d 745 (7th Cir. 1966). In overturning a preliminary injunction, the Court of Appeals held that excessive royalties was a triable issue.

but it pointed up the same general problem with the dramatic impact and destructive potential of an atomic bomb. In ruling that the licensor of a patent later found to be invalid must refund all royalties he had ever received, this decision blasts away basic concepts of contract law and equity, and threatens to vitiate the entire concept of licensing as a means of promoting the commercialization of inventions.

It appears to me that such erratic decisions are occurring with increasing frequency, making the need for clarifying and stabilizing legislation ever more urgent. Particularly in this time of national trial and challenge—as the President has pointed out—we need the incentives of a “sound and reliable” patent system. We can therefore hardly afford the dangerous luxury of further delay.

There are obvious dangers and defects in the case-by-case approach, which ignores the cumulative effects of the uncertainty, expense and delays involved—in leaving it up to the courts to set policies and directions of the law, in areas which the legislature is far better qualified to handle.

The greatest danger, of course, is the debilitation and destruction of confidence in the patent system to perform its Constitutional mission of promoting the progress of the useful arts. The erosion of that confidence has been under way for some time. It continues and gains new impetus with each new decision such as those I have mentioned.

The basic question, it seems to me, is whether—as a matter of national policy—we are willing to stand by and permit that process to continue, or whether it is to be arrested, and our patent system permitted to function effectively—in accordance with present law, but freed of the spectre of continued harassment and confusion which has been draining its vitality and force.

This case-by-case approach would permit that process of erosion to continue. The enormous litigation expenses that are so imposed on patent owners are not only destructive, but discriminatory as well—for the individual inventor and the small company are in no position to engage in such litigation over protracted periods.

Resolution of patent-antitrust issues on a case-by-case basis could take years. Moreover, without some statutory guidance—such as the Scott Amendments could provide—there might never be any real stability in the law relating to patent licensing.

Some have argued that the proposed legislation would result in even more litigation than the case-by-case approach. Naturally, any legislation in such a complex area will cause some problems in interpretation with respect to particular fact situations. I think it is unreasonable to say, however, that trail markers in the forest will not aid the traveller.

One of the most insidious but important consequences of case-by-case development is this: that it leads many patent owners—fearful of ex post facto rulings of the courts—to sacrifice the full potential of their patents, as happens when they follow very conservative legal advice.

Proponents of case-by-case development—and conservative counsel, as well—are fond of quoting the famous statement by Justice Louis Brandeis, about walking near the edge of a precipice:

“[You] may stumble on a loose stone, you may slip and go over; but anyone can tell you where you can walk perfectly safely within convenient distance of that precipice. The difficulty which men have felt generally in regard to the Sherman law has been rather that they have wanted to go the limit than that they have wanted to go safely.”

But it seems to me that in the patent-antitrust area, no one can, any longer, be sure where the precipice is. Furthermore, it keeps shifting.

In this situation, a patent owner is constrained to stay very far back from the precipice, in order to have at least some feeling of safety. If he stays back too far, he will not obtain as much benefit from his patent as he otherwise would. And if he then finds patents less valuable—which would hardly be surprising—he will have less incentive to invent or to invest in the development and commercialization of new inventions.

This is certainly contrary to national interest.

Both the patent laws and the antitrust laws represent expressions by the Congress of public policy adopted in the national interest. Neither such basic national policies, nor the striking of a balance to reconcile differences or apparent conflicts between them, should be left for determination by lawyers and the courts in adversary proceedings.

The Congress is the only proper body for dealing with such basic and complex socioeconomic issues.

I believe that our national interests and needs now urgently require an expression of national policy with respect to the patent-antitrust relationship—and that such policy should be determined and enunciated by the Congress.

#### JUSTICE FOR COAL MINERS

Mr. HUMPHREY. Mr. President, the recent approval by the Senate of the conference report on the Black Lung Benefits Act of 1972 was an action of vital importance to a major sector of American labor that for too long has known only misery and poverty as the reward for hazardous work that has left them disabled. I jointly sponsored and strongly supported this bill in the strong belief that several hundred thousand coal miners and their dependents have a right to the extended and guaranteed benefits it provides, in the name of basic human justice. I now urge President Nixon to reverse his past opposition to this vital legislation and to sign it into law without delay.

In this legislation Congress has completed the essential work to establish basic rights for mineworkers that was begun 3 years ago in the Coal Mine Health and Safety Act.

The passage of the Coal Mine Health and Safety Act of 1969 was an historic event in its rejection of the economic theory that a coal worker's worth lie only in his hard labor, but that upon being disabled by the harsh conditions of that labor he is to be discarded on the slag heap. In that legislation, Congress demanded that effective measures be taken to end critical health and safety hazards in coal mine working conditions. Congress addressed not only the destruction of life in mine explosion disasters, but also the disabling of life and slow death afflicting thousands upon thousands of miners with the chronic chest disease, pneumoconiosis, or black lung, caused by the accumulation of fine coal dust particles in the human lung. And Congress established a system of benefit payments and minimum compensation standards for miners and the widows of miners who had been totally disabled by that disease.

But it has become clear that more extensive measures are required toward balancing the justice of compensation against the profound injustice of sacrificed lives and health in the production

of the critical energy source of coal. The filing of 356,857 benefit claims has sharply underscored the fact that the problem is much more serious and widespread than originally expected. But a claim denial rate of more than 50 percent across the Nation indicates that countless miners and their survivors remain the victims of policies wrongly limiting eligibility for these benefits. And totally excluded from any benefits are the children orphaned by the death of a miner and his wife. Moreover, if a miner had pneumoconiosis, but was not currently receiving benefits and had not filed an application under present law, his widow and children are denied any compensation if he died from a rock fall or a heart attack or any other cause not immediately related to the disease itself. Finally, we now know that there is a far broader range of respiratory and pulmonary impairments disabling thousands of miners; yet, because they have no X-ray evidence of black lung—an admittedly imperfect means of diagnosing the disease itself—they are denied benefits.

These denials are morally wrong. It is time to demand that the law provide the greater measure of justice that was intended. It is time to lift from miners and their families the burden of proof of eligibility under present sharply limited tests and policies, by broadening the definition of total disability and by establishing a presumption that miners with 15 years experience who are disabled by a respiratory or pulmonary impairment are disabled by pneumoconiosis.

It is time to extend the periods of responsibility for acceptance of claims and payments of black lung benefits, instead of telling thousands upon thousands of disabled miners or their survivors facing the despair of a poverty level existence, that simply because no claim was filed by the end of 1971, they can only expect benefit payments through 1976, if their State fails to enact a satisfactory, permanent program of workmen's compensation.

It is time to assure that Social Security disability benefit payments, rather than being “offset” or cut back by black lung benefits, are combined with those benefits in their full amount to provide a disabled miner and his family with a decent level of income.

And it is time to send the added injustice of discrimination by mine operators against miners who are developing black lung.

All these critically important actions have now been taken with the passage of the Black Lung Benefits Act of 1972.

I also strongly support the establishment, under this Act, of a \$30 million program of medical research and the operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners. Miners critically need this help, and need to have it immediately at hand. Therefore, I urge that this program be made fully operational as soon as possible.

The Nation owes a long overdue debt to its mineworkers. Let us begin now to make the payments required by justice.

# IMPLEMENTATION PROCEDURES FOR ALASKA NATIVE CLAIMS ACT

Mr. STEVENS, Mr. President, on Wednesday, April 12, 1972, in 37 Federal Register No. 71 at page 7204, a short notice appeared, amending the new regulations under part 43h to subchapter F, chapter I, of title 25 of the Code of Federal Regulations. This new part 43h was originally published in the Federal Register on March 17, 1972, at 37 F.R. 5615.

I have made it a practice to place in the CONGRESSIONAL RECORD each of the several announcements the Department of the Interior has published concerning implementation procedures for the Alaska Native Claims Settlement Act. I therefore, ask unanimous consent that changes be printed in the CONGRESSIONAL RECORD, as well.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

## TITLE 25—INDIANS

### CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

#### Subchapter f—enrollment

#### Part 43h—Preparation of a Roll of Alaska Natives

Applications, appeals, preparation, and approval of roll; correction

The document adding a new Part 43h to Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 17, 1972, at 37 F.R. 5615, is corrected by changing "appeals from adverse decision" to "appeals from adverse decisions" in item number 9 of the preamble, "5 U.S.C. 533" to "5 U.S.C. section 553" in the last paragraph of the preamble, and "as Native as any village or group" to "as Native by any village or group" in § 43h.1(g).

HARRISON LOESCH,

Assistant Secretary of the Interior.

APRIL 6, 1972.

[FR Doc. 72-5556 Filed 4-11-72; 8:47 am]

## THE GENOCIDE CONVENTION: SUPPORTED BY MAJORITY

Mr. PROXMIRE, Mr. President, the Genocide Convention should have been ratified by the U.S. Government over a quarter of a century ago. Our neglect has been shameful.

However, now all obstacles standing in the path of ratification have been removed. The distinguished Senator from Pennsylvania (Mr. SCOTT) has introduced implementing legislation, and, at long last a majority of Senators have signed an appeal to bring the Treaty for the Prevention and Punishment of Genocide to the floor for consideration.

Mr. President, a recent editorial in the New York Times, one of the most respected newspapers in this country, endorsed the treaty and concluded by saying:

It is inconceivable that the Senate once more will pass up this opportunity to reaffirm principles so rooted in American law and the American conscience.

All of us in the Senate must work to make our commitment to peace stronger than words. We must move immediately to ratify the Genocide Treaty.

I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE CRIME OF GENOCIDE

Determined that such horrors as Hitler's deliberate and systematic attempt to destroy an entire people will never be repeated with impunity, the United Nations General Assembly on Dec. 11, 1946, unanimously affirmed that "genocide is a crime under international law." Two years later the Assembly unanimously approved the text of a Convention on the Prevention and Punishment of the Crime of Genocide.

The Genocide Convention has been in force now for more than two decades. It has been ratified by 75 nations—but not by the United States Government, which was the prime mover of the original resolutions.

This American delinquency is a national disgrace. It impedes the development of international law, to which the United States has long been committed, and raises disturbing questions at home and abroad about American devotion to human justice. The opposition, which so far has blocked Senate ratification of the Convention, is based, as the Senate Foreign Relations Committee has noted, on irrational, self-deprecating fears "... as if genocide were rampant in the United States and this nation could not afford to have its actions examined by international organs ... as if we as a people don't trust ourselves and our society."

Prodded by a bipartisan coalition led by Senators Javits, Scott, Church and Proxmire, 51 Senators have signed an appeal to bring the Convention to the floor for a vote. It is inconceivable that the Senate once more will pass up this opportunity to reaffirm principles so rooted in American law and the American conscience.

### BYELORUSSIA AND LITHUANIA

Mr. HUMPHREY, Mr. President, the people of Byelorussia and Lithuania have achieved their sense of independence and an organized form of government in the latter part of the nineteenth century, A.D. Even in their infant stages of national conscience and sovereignty, they exhibited the same pride, the same sense of identity, the same sense of independence and the same love of freedom they have now lost but aspire to reconquer again.

The history of these two nations is a parallel and rich one. To be sure, it is a saga of men, women, and children seeking self-determination, seeking their own national culture, their own sense of identity and above all, their rightful and equal place in the community of nations.

In that best spirit whereby nations live side by side and peacefully, the people of Lithuania and Byelorussia in the 14th century created a new state composed of their respective territories known as the Grand Duchy of Litva.

Such cities as Minsk, Vilnius, and Smolensk became the centers of culture and commerce. In 1517, Dr. Fracisak Skaryna translated and published the Bible into the Byelorussian language, making the Byelorussian nation the third—after the German and Czech—to have a printed Bible in their native tongue. The Grand Duchy adopted the Byelorussian language as the official language of the state and passed laws mature in equity and justice.

With the weakening of Poland—a traditionally friendly nation—the nations of Lithuania and Byelorussia in the 17th

and the 18th centuries became increasingly subject to the influence of the czarist Russia and gradually disappeared as sovereign nations.

But their great spirit for national identity and freedom could not be broken even in subjugation or even worse in the remote and bitter cold lands of Siberia. Continual movements of political liberation and a sense of national identity could not be destroyed—they continued through religion, language, and close and traditional family life.

Although subject to many years of influence from Russia, the national sense of identity became a reality when the all-Byelorussian Congress met in December 1917, in the city of Minsk, and on that historical—and for all Byelorussians, unforgettable date—the 25th of March 1918, proclaimed the Byelorussian Democratic Republic with a constitution guaranteeing all human rights.

Indeed, at least, they were free. This optimism was short lived. Although recognized by several foreign nations as a sovereign state, that freedom proved to be momentary, for, only a short time after this victory of nationalist feeling, independent Byelorussia was militarily suppressed by the Red army.

The fate of their brothers in Lithuania is similar. After the end of the First World War, the nation of Lithuania became a sovereign state, recognized by the entire community of nations and participating in all international organizations. In 1940, the invading Red army made ashes of the Lithuanian national struggle.

Despite their tragic fate, if we take into account the history of these two proud and generous nations, the final chapter in their struggle for freedom is yet to be written.

I join all mankind in sympathy—but more—in tribute to their great and just struggle for freedom.

### FOREIGN FISHING OFF U.S. COASTS

Mr. STEVENS, Mr. President, according to the National Marine Fisheries Service report on foreign fishing off U.S. coasts, the number of vessels sighted off the U.S. coasts increased for the fifth consecutive month to over 650, or 100 vessels more than in February 1972. Most of the increase was due to increased Japanese fishing effort off Alaska where a total of 330 Soviet and Japanese vessels now fish. I have been informed by the National Marine Fisheries Service that two Korean vessels are fishing for groundfish today.

An editorial entitled "U.S. Fisheries Threatened," published in the Washington News, states:

Meanwhile, as Washington dawdles, fleets of modern fishing vessels from the Soviet Union, Poland, East Germany, Bulgaria, Spain, Japan, Italy, Norway, Canada, Romania, and Cuba are working off the U.S.

The editorial suggests that we should move promptly to control fishing in a 200-mile-wide zone off our coasts.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington News, Apr. 25, 1972]

#### U.S. FISHERIES THREATENED

The United States should move promptly to control fishing in a 200-mile-wide zone off its coasts.

If it does not, the country's nearby sport and commercial fishing grounds will be devastated by fleets of foreign ships with no interest in conservation.

In this hemisphere, the United States is one of the few coastal nations that has not claimed a 200-mile territorial limit or the right to regulate fishing within that distance.

Ecuador, Peru and Chile did so as far back as 1952. Ten Latin American countries now assert 200-mile limits. The latest is Brazil, South America's largest state, which has extended its control out from 4,500 miles of coastline. Mexico is about to do the same off its 6,250 miles of coasts.

Washington's refusal to accept the limits has caused trouble with hemispherical neighbors and inflamed their nationalism. Last year, for example, little Ecuador alone seized 51 American tuna boats and fined them a total of \$2.5 million for fishing without licenses in its 200-mile zone. (Incidentally, that's not bad for a declare-your-own foreign aid program.)

The administration is putting its hopes in an International Law of the Sea Conference to be held next year. Preliminary meetings for the conference have gone badly. Latin America is not apt to accept less than a 200-mile limit, no matter what the conference recommends.

It's often argued that the United States must shun such a limit out of fear that other countries would close vast stretches of ocean and international straits to American naval vessels. We don't buy that argument.

In wartime, an enemy will try to close straits and disrupt shipping regardless of any law of the sea. In peacetime, it certainly is possible to separate the issues of fishing zones and freedom of navigation.

Meanwhile, as Washington dawdles, fleets of modern fishing vessels from the Soviet Union, Poland, East Germany, West Germany, Bulgaria, Spain, Japan, Italy, Norway, Canada, Romania and Cuba are working off the U.S.

#### THE ECONOMIC EXPANSION ORGANIZATION ACT OF 1972

Mr. RIBICOFF. Mr. President, economic issues—the loss of jobs, continuing inflation, and our mounting trade deficit—have all become increasingly worrisome problems for Americans. And for good reasons. We are in an economic mess that does not show much promise of getting any better.

Changes in the American economy resulting from Government decisions come faster and harder in the 1970's than ever before. We can no longer take it for granted that the market economy will automatically take care of them.

Our mounting trade and balance-of-payments deficits combined with a persistent 6-percent unemployment rate at home have caused many Americans to doubt our future in the world economy. More and more of our Nation's business, labor, and political leaders are recognizing that the same old economic policies and remedies will not work. The shift in recent years by organized labor from its traditional free trade stance to a more protectionist one, and the introduction of legislation which would severely restrict imports and the activities of American companies abroad, are important warning signals that the United

States can no longer afford to pursue its traditional policies without coming to grips with the painful reality of its 5 million unemployed workers.

The pressures generated by our serious unemployment problems are affecting decisionmaking in other areas of concern. Political and economic effects of job losses in a particular region have been reflected in the allocation of defense contracts and other Government business on an ad hoc basis. Too often, Defense Department procurement policies are a matter of assigning contracts on a basis of "Whom do we have to take care of now?" instead of "Who can give us the best product at the lowest cost?" Similarly, opposition to antipollution programs in certain industrial areas has been based on the expected unemployment that would result. Strong pressures for imposing severe trade restriction have been created due to losses of jobs in certain hard hit industries.

These influences on defense and foreign policy decisions are not in the interests of this Nation. But high unemployment is not good for Americans either. What is needed are fair, practical, timely adjustment mechanisms to respond to unemployment and noncompetitive industries on a national basis.

I believe that the Economic Expansion Organization Act of 1972 offers such mechanisms. The act has been drafted and I will introduce it as soon as technical points are resolved. By providing timely assistance to workers, and firms, the programs I propose will strengthen communities and contribute to the vitality of the American economy. At the same time, we must develop safeguards to insure that this assistance will not perpetuate mismanagement and subsidize noncompetitive, outmoded areas of economic activity nor create worthless worker retraining programs. Certainly the Government's loans to Lockheed and Penn Central contained no guarantee that these floundering corporations would again become competitive.

The serious doubts that now surround the American economy are relatively new. As we embarked upon the 1960's, many worried about finding meaningful jobs. Now, as we embark upon the seventies, most people are content to find jobs, period. Americans used to be able to afford the luxury of worrying about the quality of work, for it was assumed that the opportunity for work would always be there. Now that assumption no longer holds—not for factory workers, not for skilled technicians—not even for Ph. D.'s.

Too much of the industrial and technological capacity of the United States is standing idle while the Nation is in desperate need of refurbishing and rebuilding. America's lakes, rivers and streams become more and more polluted every year. Our air grows more foul. Cities are decaying. Physically, the country seems to be running down while millions of hands remain idle.

We have men and women so knowledgeable and innovative that they can plan and carry out trips to the moon and back; yet, these same men and women now lack job security, if they are employed at all.

We have the most advanced technology in the world; yet we are not mounting successful attacks to clean our lakes, purify our air, rebuild our cities or provide adequate public transit for commuters.

Most of our goods are still sought and imitated throughout the world; yet we are increasingly buying more foreign products than we sell abroad.

In short, our economic and social institutions—both public and private—have failed. They have failed to generate sufficient technological growth, failed to allocate priorities designed to keep the American economy dynamic and finally, failed to create jobs for 5 million Americans who are seeking work.

We have no systematic way to encourage industries to develop along lines with high social priority and a high degree of future success. Much talk is heard about the need to convert from a wartime to a post-Vietnam peacetime economy. The key to any successful defense conversion program will be the assumption by the Government of the responsibility for allocating civilian priorities. Only then will the present dislocations in private industry be eased. And only then will long-term commitments be made by industry to convert to new areas of production.

Technology—our command of it, our use of it—will determine whether or not America will remain competitive internationally and maintain a viable, growing economy.

The main problem in maintaining the technological advantage we now hold is keeping ahead of the competition. Staying out front will require not only a high level of ongoing research and development programs by private industry, but the teaching of the new skills required by labor to perform new tasks.

Actually, we have little choice. We must take the risks and pay the price. The production of high technology content products must be "our bag." Last year the U.S. trade surplus represented by high technology products was more than \$9 billion. Compare that figure with one more than \$6 billion deficit in other manufactured goods. It is clear, then, that high technology is our strength in the world economy.

The signs all point to a continuing U.S. potential for remaining competitive in high technology content exports in the foreseeable future. We must insure that we continue this trend and develop new products for the future. Accordingly, the Federal Government must encourage industry to invest in more high technology. In the long run it is the surest investment we can make.

I am pleased that the budget for fiscal 1973 calls for a 15-percent increase for civilian research and development amounting to \$700 million. Significantly, the economic report of the President also stressed two experimental programs which will be initiated to stimulate R. & D. investments and applications by private firms.

This is welcome news. But it is only a start. We still need new institutions and concrete programs to give us the time needed to reshape our economy and

transform theories and vague goals into realities.

Effective interim solutions must be found to ease the economic dislocation that will inevitably result in changes in Federal spending patterns and in the conversion of noncompetitive industries.

But when we speak of economic dislocations, we are also talking about people, their families and their communities. Economic theories are impersonal. They do not face up to the human problems involved in the dislocation of people. Too often the "people factor" is written off by economists as frictions, which are presumed to be absorbed in the long run. As the British economist Keynes said:

In the long run, we are all dead.

Whether someone loses his job because of frictional or any other kind of employment, he and his family are in desperate circumstances.

It may be argued that if a worker loses his job in a noncompetitive industry, he is still free to seek work elsewhere. But what does this freedom mean in human terms? How do you expect a 52-year-old draftsman who has lived in Bridgeport all his life to take his family and move them to Phoenix tomorrow, then perhaps to California a year or so later—and afterwards to Maine?

The concept of providing adjustment assistance to both companies and workers is not a new one. It was first dealt with legislatively in the 1962 Trade Expansion Act. But actual experience to date with this legislation shows that it is too restrictive, too infrequently granted, and invariably help comes too late to be of use. Critics of the existing program are correct in calling this kind of aid "burial assistance."

For workers the assistance was supposed to come in the form of extra unemployment benefits, and retraining and relocation money. For companies the law specified loans and technical advice and tax help in modernizing their present product lines or moving them into new ones. But 10 years after these laws were placed in the books, the actual record of accomplishment is pathetic. Only 20,000 workers have been helped temporarily, and only two companies, a shoe manufacturer and a barber chair producer, have received any substantial assistance from the Government. Two industries and 17 individual companies did manage to survive the blizzard of paperwork necessary to pass the injury test set forth in the law but, to date, nothing useful has been done to help them.

One piano manufacturer in New York who sought adjustment assistance has claimed that every time he sent another batch of figures to Washington to prove his company had been injured, the bureaucracy responded by asking him for more figures. He said that this had been going on for almost a year. This is tragic. If a company was really on the brink of going out of business and had to wait that long for help—it would definitely be out of business.

Adjustment assistance as it was conceived 10 years ago was obsolete the day it was enacted. The law demands that recipients of assistance prove a direct

relationship between injury due to tariffs and imminent financial ruin before relief can be granted. Such a requirement renders the current adjustment aid as practical as buying life insurance against being trampled to death by a herd of musk oxen in midtown Manhattan. The emphasis today must be put on spotting in advance those industries and companies which are running into trouble. Then government can usefully assist before the company is a financial basket case—and it can enroll workers into training programs before their skills become obsolete.

The Government must anticipate problems and identify industries likely to become uncompetitive. In turn, assistance must be practical—and quick. Otherwise, we will always be in a position of doing too little, too late.

The AFL-CIO has estimated that foreign competition has cost American workers approximately 700,000 jobs between 1966 and 1969. The chairman of the Zenith Radio Corp., who testified before my Subcommittee on International Trade, asserted that 47,000 jobs have been lost to imports in the electronics industry between 1966 and 1970. The American Footwear Manufacturers Association's estimates are that imported footwear products have wiped out 76,250 job opportunities. While these figures have been vigorously disputed by those who argue that growth in exported related industries makes up the slack, job losses in some of our biggest industries pose a real challenge. And this is also a challenge that we in the Congress are also being asked to face up to by our constituents.

Another aspect of our unemployment problem which has endangered great resentment is the "runaway mill" phenomenon—the movement abroad of American production facilities. The key is cheaper labor costs. As Americans are attracted to cheaper foreign goods, many of our industries have not been able to meet the competition.

What can I tell a 50-year-old workman who loses his job after 21 years because his employer, the Royal Typewriter Co. decides to move from Hartford to Hull, England, because labor costs there are only one-third those in Connecticut? What can we do for him and his counterparts around the country—and their communities? Right now, other than providing unemployment compensation and sympathy there is very little we can do.

Fresh ideas and new concepts are needed if we are to provide realistic, humane answers to these questions. New directions in public policy are needed if we are to meet the challenges posed to our Nation's economic well-being both from within and without.

The Economic Expansion Act offers speedy, practical assistance to workers and industries while encouraging innovation and adaptation for the future. The goals of this act are admittedly ambitious. But we must do no less if we are to avoid trade wars, economic decline and persistent unemployment. This proposal would:

Facilitate the economic adjustment of firms and communities adversely af-

fected or threatened by Government policies and decisions;

Increase productivity, strengthen the economy, and thereby improve the competitive position of the United States in the world economy;

Aid in the modernization of the American economy;

Stimulate technological progress;

Reduce unemployment;

Maintain viable industrial enterprises in areas of unemployment.

At present we have only bits and pieces of offices and agencies and departments planning and administering programs dealing with economic conversion, adjustment assistance, training and job placement. Also lacking is a single high level body to spot in advance those industries and companies which are or will be soon facing serious difficulties, and to identify the priority areas for economic activity in the next 5, 10, or 20 years. There is no early warning system for labor when jobs are in danger. There is no way of helping firms before they are in desperate straits, or retraining workers before they are lining up for unemployment compensation checks. Under this act an independent Economic Priorities Commission, with its own staff made up of industry, labor and cabinet representatives will perform those needed functions. In addition, it will advise the new administration set up under the act in the types of training and other assistance needed.

Workers today who lose their jobs not only lose their weekly paychecks, they are also denied pension rights and health benefit plans. These plans and benefits would be maintained. Workers laid off only a few years short of retirement often face the most difficulty finding new jobs. They, therefore, would be able to begin receiving full retirement benefits at the time they are laid off.

Too many of our manpower training programs are teaching skills for jobs that no longer exist or that will not be offered in a particular locale. Training programs must be geared to specific jobs which will be available when the training is ended. Moreover there is little point to training a worker in New York for a job that exists only in California.

Smaller companies experiencing financial difficulty need more than low-cost loans. They should also be able to get expert technical advice and concrete suggestions as to how to remain competitive and how to switch to new product lines. R. & D. seed money should be available for private projects. At the same time their employees should be trained to perform the new skills needed in the new operations. Interim emergency financing should be available to these companies pending approval of longer run loans.

Shifts in Government expenditures and programs have caused great dislocation in the economy and have created serious pockets of employment throughout the country. Where this occurs the Government must attempt to remedy these situations by providing the kinds of assistance provided for in the act.

The effects of workers, industries, and communities by decisions to relocate facilities now vary. Some companies relo-

cate in a humane, gradual way. Others seem oblivious to the human considerations. This act would not inhibit relocation plans by management. But it will offer companies intending to leave a community realistic incentives for remaining. If they still decide to move elsewhere in the United States they would be required to offer a displaced worker a similar job at the new facility at a comparable salary. This is fair and reasonable. In addition, the costs of moving workers and their families should be borne by existing adjustment assistance provisions and the companies.

If the companies seek to go abroad they would do so only if the full range of Government assistance offered is inadequate to insure profitable operations within a reasonable period of time. Failure to meet both of these requirements would subject companies to having to defray the costs of assistance to their laid off employees. These particular provisions should allay the fears of workers and communities that they will be left in the lurch by companies concerned only with their own immediate interests. Yet a company would still have the freedom to relocate elsewhere if it demonstrates its good faith and sound reasons for leaving.

Other instances where eligibility for assistance under this act may be determined are where increased imports of competitive articles result in substantial unemployment, and where shifts in Government spending have caused layoffs, such as in the defense and aerospace industries.

A concrete example of how this legislation might apply is furnished by the planned departure of the Royal Typewriter Co. from Connecticut.

A number of years of operating losses were recorded at this Hartford facility, Litton Industry, which had taken over Royal Typewriter Co., decided to move the Hartford production facilities to Hull, England. The move involves a loss of some 2,600 jobs in the Hartford area. I discussed this decision with representatives of both Litton and Royal Typewriter. They explained that labor comprised approximately 50 percent of the total cost of production, and that the labor costs in Hull, England were only one-third of those in Hartford.

If this legislation had been in effect, both the company and the laid off workers would have been eligible for assistance. The workers would have been able to begin collecting roughly 85 percent of their previous wages and their health benefits would continue. Those within 3 years of retirement would have been able to retire at full benefits. The younger workers would have been able to enroll in new or existing training programs to guarantee their employment upon completion of these training courses either at Royal or elsewhere, preferably in the Hartford area. The Royal Typewriter Co. could either accept loan assistance, technical advice, retraining of some of its labor force and other benefits in order to continue operating in Hartford, or it could still go abroad.

If it chose the latter course it would have to prove to the satisfaction of the

administrator of this act that the assistance offered would not have enabled it to become profitable within a reasonable time. If the company failed to offer such evidence, it would be liable for one-half of the costs involved in the various assistance given its displaced workers.

In sum, my proposed legislation embodies a new approach to deal with the new problems facing us in 1972. It involves a coordinated attack by the Federal Government, with the emphasis on early warning, and speedy, unencumbered help for workers. The focus is on readaptation and retraining in order to best utilize our technological, managerial, and manpower resources.

It should be emphasized that my legislation is linked to those areas where the Government has a direct responsibility as a result of its own public policy decisions.

Enactment of the legislation I have outlined will enable us to anticipate change instead of dealing only with its effects. It will enable our trade negotiators at the projected 1973 trade talks with our major trading partners to negotiate with greater confidence and in a more relaxed mood. It will enable working people to feel more confident of their jobs. The Economic Expansion Organization Act of 1972 will offer both labor and industry a means of improving their respective economic positions while contributing to the overall health and vitality of our Nation.

The technical wording of the bill is now being completed, and it will be introduced shortly. I welcome the comments and suggestions of all interested parties in perfecting my legislation, and I will also welcome cosponsors.

I ask unanimous consent that a description of the substance of each title of this proposed legislation be printed in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

#### ECONOMIC EXPANSION ORGANIZATION ACT OF 1972

##### DESCRIPTION

##### Title I—Reorganization

This title deals with the transfer within the Federal Government of the functions of existing agencies to the newly-created Economic Expansion Administration.

This new Administration will be in the Commerce Department. The Administration will absorb all or parts of the following existing offices:

1. Portions of the Manpower and Development Training Administration of the Labor Department;
2. Functions of the Economic Development Administration in the Department of Commerce relating to economic adjustment;
3. The Research Applied to National Needs program of the National Science Foundation;
4. Office of Economic Adjustment, DOD;
5. Functions of the Arms Control and Disarmament Agency concerned with the economic effects of reduced military spending;
6. Adjustment Assistance functions of the Tariff Commission and Labor Department;
7. Some functions of the Small Business Administration, and,
8. Other relevant Federal entities.

The Administrator will be the Chief Executive of the Administration. He will be appointed by the President, have appropriate deputies and be at the same executive level

as other Administrators. He will be authorized to establish and support training institutions and to certify existing institutions. Wherever possible he will coordinate his activities with local and state bodies.

A new Commission is to be created, with appropriate staff support appointed by the President composed of nine members, three from labor, three from industry, and the Secretaries of Commerce, Treasury and Labor with the Secretary of Commerce as Chairman. The Commission will study and determine economic priorities in civilian areas and establish guidelines to assist the Administration in determining those areas of economic activity towards which programs under the Act should properly be directed. The Commission will also suggest new measures for conversion and adaptation of defense or non-competitive facilities to areas of greater economic viability and productivity.

The Commission will also identify in advance specific areas of economic activities and industries which are becoming inefficient and noncompetitive and consult on a confidential basis with these companies, and invite applications to the Administration for benefits under the Act. It will also make recommendations as to the disposition of Federal R&D funding to various areas of economic activity.

##### Title II—Assistance to Workers

Present adjustment assistance mechanisms to assist unemployed workers under provisions of the Trade Expansion Act of 1962 will be expanded by:

Increasing the amount and availability of benefits to displaced workers by placing a 60 day time limitation on a final determination of eligibility with immediate interim benefits to be provided at the discretion of the Administrator. The percentage of the average wage rate in a particular industry used as a basis for benefits to recipients will be raised by 85%. Benefits shall be paid contingent upon participation by the beneficiary in retraining and other programs under this Act. They will also be available during the period between movement from one job to another or a retraining program to a job.

The Administration will assume the costs of continuation of health and retirement programs for workers in retraining programs and provide for speeded up retirement, pension, and social security benefits for otherwise eligible displaced workers who are within three years of retirement under their previous coverage.

Other existing benefits under the TEA, such as moving costs, will continue to be paid.

Individual workers, groups of workers and unions will be eligible to make applications for benefits and participation in the training programs.

Workers still employed but who can demonstrate to the satisfaction of the Administrator that they are threatened by loss of employment in the future will be eligible for retraining programs. The Administrator to his best ability will offer retraining programs teaching skills needed for the priority areas of economic activity provided for in Title IV and skills needed in the same locale or region.

All the foregoing programs of assistance will supplement existing unemployment insurance, adjustment assistance, and general relief programs wherever possible, and in no instance will exceed the amount of compensation previously paid to an individual worker.

##### Title III—deals with assistance to companies

Companies deemed eligible for assistance under the criteria set forth in Title IV of the Act will be entitled to make application for for the following forms of assistance from the Administration:

Interim financing pending the approval of longer term loan assistance;

Loan terms more favorable than existing commercial rates;

Technical assistance and plans for production conversion;

Research and development assistance for projects approved by the Administration creating new employment opportunities, including grants and contracts to private companies to create new jobs; and

Retraining for some or all of its workers to perform new skills needed in its new approved operations.

In addition, the Administrator may from time to time recommend specific tax benefits for participating companies whose particular circumstances warrant such preferential treatment. The Administrator will also seek to gain the cooperation and assistance of local communities and states in assisting companies to retain production facilities, as well as developing programs of technical assistance to communities enabling them to absorb the effects of economic dislocation.

All, or some, of the above assistance may be granted at the discretion of the Administration even if partial relief is available under existing statutes and remedies designed to protect firms from various forms of injurious import competition.

#### *Title I—Eligibility requirements for assistance*

The Administrator will be responsible for determining the eligibility of workers and companies. A company or worker of class will be deemed eligible when the Administrator determines that unemployment in a region or locality cannot be eliminated within a reasonable period of time, and when, in addition to this requirement, any one or more of the following criteria are met:

—when a company intends to relocate an important portion of its productive facilities at a single plant to a location outside of the U.S. or its territories and possessions;

—when substantial unemployment at a particular plant or in an industry results from increased imports of competitive articles;

—when changes in government procurement patterns and in federally-supported programs create substantial unemployment in a particular plant or industry; and

—whenever in the Administrator's judgment the unemployment is a result of policy decisions of the U.S. Government.

Another portion of Title IV deals with the defraying of the costs of assistance by companies under certain circumstances.

A company relocating facilities elsewhere in the U.S., or in its territories and possessions, and otherwise eligible under this Act, will be required to make payment to the Administration of a sum equal to one-half of the costs of workers retraining and other assistance provided to its displaced workers if the company fails to offer the right of first refusal of employment at its new location to all its workers at a wage and benefit rate equal to at least the previous levels.

A company relocating its facilities from a domestic location to a location outside of the U.S. or its territories and possessions shall make the same payment of one-half of the costs to the Administrator if the Administrator finds that the company's failure to apply for all or some of the assistance provided under this Act was unreasonable and not warranted by unusual circumstances or the absence of adequately skilled labor at its old location.

In no case would a company seeking to relocate facilities abroad be liable to make such payments if it can demonstrate that the assistance offered under the Act would be insufficient to enable it to operate profitably within a reasonable period of time.

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#### INTERDICTION IN THE VIETNAM WAR

Mr. FONG. Mr. President, the continuing refusal of Hanoi either to negotiate an end to the war in Vietnam or to halt its invasion has forced the President as Commander in Chief to take further steps to protect the 60,000 American military support personnel in South Vietnam and to prevent a Communist takeover of South Vietnam by force.

The American people should rally around the President in his efforts to bring the costly and inflammatory war in Vietnam to the earliest possible termination with honor and hope for all sides.

As President Nixon told the Nation last night, it would be politically easy for him to order immediate withdrawal of the remaining U.S. forces in Vietnam.

But President Nixon knows that to turn tail and run would not bring the peace we all long for. It would not insure the return of our men who are prisoners of war in North Vietnam. It would not bring an end to the bloodshed in South Vietnam. It would not enhance the chances for world peace.

Therefore, the President is endeavoring to bring an end to the North Vietnamese invasion of South Vietnam by choking off the inflow of war materiel and interdicting the supply lines that feed the attack that jeopardizes our 60,000 American troops and that endangers the 17 million people of South Vietnam.

The mining of Haiphong Harbor is a measure I have long advocated. By affording 3 days' notice to ships of third countries supplying war machines to North Vietnam through this and other ports, the United States has given fair warning to those who insist on fueling outright aggression and armed invasion.

At the same time, the United States is giving Hanoi yet another opportunity to "cool it" in Vietnam and engage in meaningful talks on a cease-fire and a return of POW's.

In view of the President's offer to withdraw all U.S. forces within 4 months after an internationally supervised cease-fire and after return of POW's at a ratio of 10 enemies for 1 American, it is senseless for Hanoi to continue the blood-letting in Indochina.

Should Hanoi agree to a cease-fire, it would spare its people, who have already suffered more than 800,000 men killed in this war, further loss of its husbands, fathers, and sons. The leaders of North Vietnam could then assume the posture of peacemakers.

This same mantle of "peacemaker" could fall upon the leaders of the Soviet Union, who now stand exposed as condoning the use of the major weapons they supply, not for defense of North Vietnam, but for invasion of a neighbor.

I regret very much that the leaders of North Vietnam persist in waging war against their neighbors. I regret very much that they cannot perceive a greater place in history for themselves by sparing their own people further suffering

and by offering their young men a better future than war.

I regret very much that the leaders of the Soviet Union cannot—or will not—confine their military assistance to defensive purposes and that the Soviet leaders cannot—or will not—exert influence on the leaders of North Vietnam to agree to a cease-fire and prisoner exchange.

I regret very much that Hanoi, Moscow, and Peking persist in supporting the rule of force over the principles of self-determination, territorial integrity, and peaceful settlement of differences.

All those who deplore, as I do, the more than 20,000 civilians casualties in South Vietnam and the more than 700,000 South Vietnamese rendered homeless by the wanton and indiscriminate bombing and shelling of towns and cities by the North Vietnamese invaders should today be exerting pressure on Hanoi and the Soviet Union to accept the cease-fire and prisoner exchange offer of President Nixon.

Those other nations of the world which, for these past 6 weeks, have remained silent in the face of North Vietnam's invasion had better wake up. The entire world has a stake in events in Vietnam. If a confrontation of superpowers is to be avoided, these other nations must now become active and vigorous in trying to arrange an internationally supervised cease-fire and prisoner exchange in Vietnam.

What is at stake now is not just the safety of U.S. men still in South Vietnam and U.S. prisoners of Hanoi, though they are uppermost in our minds. What is at stake now is not just the Presidential election in the United States next November.

What is at stake may well be world peace itself.

So those who have been on the sidelines far too long, those who have avoided even a role of moral suasion to end the Vietnam invasion, those who think "It can't happen to us" had better wake up. The bell that tolls in Vietnam may already be tolling for them.

Every nation and every people in the world who believe they should have the right to determine their own destiny without outside interference.

Every nation and every people who believe they have the right to retain their territorial boundaries and to defend against those who would take their territory by force.

Every nation and every people who want the world to avoid a confrontation of the superpowers should now exert the force of moral suasion toward acceptance of President Nixon's cease-fire and prisoner-exchange proposal.

To do otherwise may well jeopardize their own future.

One cannot help drawing the parallel with the tragic years before World War II, when nations turned aside as Hitler invaded one nation after another. The consequence of indifference was not peace but World War II.

Mr. President, our men in Vietnam are showing great courage. Our President is showing great courage.

Now let all Americans—and all peace-loving people in the world—show similar courage in standing up against brutal aggression and in insisting on a ceasefire, internationally supervised, and a prisoner-of-war exchange in Vietnam.

#### MAGNIFICENT CHOICES FOR SPLENDID AMERICAN AWARDS

Mr. HUMPHREY. Mr. President, the times in which we exist prove daily that we must employ a continuing sensitive adjustment on all fronts, economic, social, political, and psychological in our new and promising relationships with the peoples of the world.

Helping America travel that direction are some splendid Americans. I call them that because they are doing a magnificent job of contributing to the survival of new countries in Southeast Asia, countries which are being ripped apart by war.

These splendid Americans I am talking about were honored for their outstanding achievements in the field of human endeavor at the Thomas A. Dooley Foundation Seventh Annual Splendid American Awards dinner at the Plaza in New York City on March 29, 1972. This fine event coincided with the 10th anniversary of the foundation which is dedicated to aiding the beleaguered peoples of Laos, Vietnam, Cambodia, and Nepal.

I am genuinely pleased that the Honorable Perle Mesta, former Ambassador to Luxembourg; Lowell Thomas, world-famous explorer and news commentator; and Mr. and Mrs. DeWitt Wallace, of the Reader's Digest, were honored for engendering a splendid American image abroad. Their individual efforts and concern in promoting true friendship and humanitarian endeavor among peoples of the world for the poor, battered human beings who are refugees in Asia are recognized through these awards which were presented by William J. Lederer, author of the book "The Ugly American" and vice chairman of the Dooley Foundation.

The recipients are great people, and I admire them. The Reader's Digest, one of our largest circulation magazines of considerable influence, and its founders, Mr. and Mrs. De Witt Wallace, were honored for special efforts in making known to the world the continuing efforts of the foundation to keep moving the late Tom Dooley's medical work in Asia.

I call attention, too, to the telegram I dispatched to Samuel F. Pryor, my good friend and former Pan American Airways executive on March 29:

Please convey my warmest congratulations to the recipients of the Splendid American Award: the Honorable Perle Mesta, Mr. Lowell Thomas, and Mr. and Mrs. De Witt Wallace of the Reader's Digest.

I also applaud the stewardesses from the 29 national and international airlines for the voluntary services so generously given to the Dooley Foundation programs in Southeast Asia. Sincerely, Hubert H. Humphrey.

The story of the foundation does not stop with the great work of such con-

cerned Americans as Perle Mesta, Lowell Thomas, and the tremendous communication offered by Mr. and Mrs. Wallace through the Reader's Digest. There is more. It is the story of young people, the stewardesses of our U.S. and international airlines, who make it possible for these dedicated young girls to spend their vacations, with free travel contributed by Pan American Airways, in Southeast Asia, giving their compassion and personal attention to the anguished poor, the homeless, the helpless, in these Asian countries. It means that the Tom Dooley Foundation 50- to 100-bed hospitals and jam-packed refugee centers in these countries get lots of Americans and world citizens involved at a personal level, without any significance to politics or religion. It shows that young Americans care and want to help alleviate the grief and suffering of war by millions of underprivileged who face each day with little hope of any real medical care in their lifetimes.

Sam Pryor, who has won the Splendid American Award previously, has traveled to Southeast Asia and witnessed for himself the destruction, the poverty, the disease. He continues to work, more determined than ever, for the Dooley Foundation and the people in those faraway lands. He is a splendid American, no doubt about that.

I was not able to go to the Splendid American Awards dinner in New York but there were a lot of people thinking of that affair and what it means to the spirit of Tom Dooley. Vice President SPIRO T. AGNEW wired:

My warmest congratulations go to Mrs. Perle Mesta, Mr. Lowell Thomas and Mr. and Mrs. De Witt Wallace of *The Reader's Digest Magazine* for having been selected to receive the 1972 Splendid Americans Awards presented by The Thomas A. Dooley Foundation. The conviction that each of us shares a responsibility for bettering our nation and our world is a precept on which America has grown. The outstanding individuals we honor here tonight have carried forth this spirit by promoting good will and understanding both at home and throughout the world. Paying tribute to their positive and patriotic efforts is a pleasure I share with the members of this distinguished Foundation as well as with all Americans. Best wishes. Sincerely, Spiro T. Agnew.

Senator JACOB J. JAVITS also addressed the foundation with a telegram. It read:

It is a pleasure to extend greetings to all attending the Splendid American Awards Dinner of the Thomas A. Dooley Foundation and to join you in honoring Perle Mesta, Lowell Thomas and Mr. and Mrs. DeWitt Wallace of *The Readers Digest*. My only regret is that I am unable to attend and personally extend my warmest regards and respects to these outstanding Americans. But I hope this message expresses my most sincere sentiments. I wish also to take this opportunity to commend The Thomas A. Dooley Foundation for their outstanding humanitarian and medical services to the people of Asia. Indeed, you lessen their suffering. Special regards also to Edward Carlson and Samuel Pryor. Jacob J. Javits, USS.

His Holiness, the Dalai Lama of Tibet, also sent word to the foundation dinner. His communication read:

The contribution made by Lowell Thomas through his travels in various parts of the world have helped to create better under-

standing among different peoples and we particularly remember his contribution in making the Tibetans and their case known to the world. Therefore on this occasion when the Dooley Foundation is honoring him we too, wish him the very best. The Dalai Lama.

All this recognition for an extraordinary foundation is richly earned. It is providing medical help, guidance, leadership and striving to eliminate disease, neglect, and in its own tremendous way, a peace across the lands.

The man who took the flag from the hands of the fallen and legendary Dr. Tom Dooley is a man who I know enjoys guiding the foundation, his hospitals with the stewardess volunteers, the civilian volunteers, his magnificent medical staff. He has our prayers and the continuing contributions of people all over the world.

Dr. Verne Chaney knows the face of war.

He was a battalion and regimental surgeon with the 2d Infantry Division in Korea; in fact, one of the most highly decorated doctors of the war with the Silver Star, the Bronze Star for Valor, the Croix de Guerre, and Purple Heart among his medals. He was at Heartbreak Ridge and was wounded himself by mines rigged to the enemy dead. This man later treated Eskimos in Labrador and Newfoundland and later natives in Haiti before working with the late Dr. Albert Schweitzer in Africa and eventually joining the late Dr. Tom Dooley's programs in South and Southeast Asia. He's traveled far to help mankind.

There is no doubt in my mind that Dr. Verne Chaney typifies the most splendid American of all. He is helping other people get well and live. He is giving the people of south and Southeast Asia another chance. He is doing what is necessary. These stewardesses and his medical staff are doing what is necessary. They teach public health eyeball to eyeball. They use puppet shows, they teach English, they care for people in hospitals, leprosariums, and orphanages. They are splendid Americans, each and every one.

Dr. Chaney says that:

The tragic flaw in our society today is that we have developed a pattern of evading truth and reality. This is true whether we talk about war, politics, poverty or problems of the developing world. Each and every one of us is becoming an island progressively insulating and protecting ourselves from the unpleasant truths about us. One of those truths is the staggering health needs of 90% of the earth's population on whom is annually spent less than \$2.00 per capita. Good physical and mental health is the common denominator to every equation of human endeavor. The goal of the Dooley Foundation is to pursue answers to at least some of the problems in bringing a better quality of life to the less privileged of the world.

Problem-solving can only be achieved by our return to truth.

Dr. Chaney is a wise man. God bless men like him and those who follow in his footsteps.

#### RUMANIANS CELEBRATE THE 10TH OF MAY

Mr. PROXMIRE. Mr. President, the 10th of May is the national holiday of the Rumanian people, commemorating three great events in Rumanian history.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen, a scion of the southern and Catholic branch of the Prussian royal family, was proclaimed Prince of Rumania in Bucharest. With the coronation of Charles I, years of internal rivalry and unrest were ended, and the principality entered a period of tranquility.

Eleven years later, on May 10, 1877, the Rumanians allied with the Russians to defeat the Turkish Sultan. With the end of the Russo-Turkish War, Rumania proudly proclaimed her independence from the aging Ottoman Empire. This proclamation of independence, fought for on the battlefields, was consummated in 1878 when the Congress of Berlin granted Rumania official recognition as an independent state.

The third great event in Rumanian history to fall on the lucky 10th of May came just 4 years after independence. In 1881, Charles I was crowned, by the will of the people, the first King of Rumania. The principality was elevated to the rank of a kingdom, and Rumania entered a period of prosperity lasting over 6 decades.

For over 100 years the people of Rumania have proudly celebrated the momentous achievements of the 10th of May. But today these courageous people must restrain their joy as their day of independence goes unrecognized by the Communist regime. Therefore, it is only fitting that we, who are fortunate to live in the free world, help to commemorate Rumania's national holiday. While we cherish our own liberty we salute the people of Rumania who silently celebrate their own past struggle for independence.

#### THE FATE OF THE USIA

Mr. HUMPHREY. Mr. President, I want to join Senators who supported the McGee amendment to restore those funds which had been cut from the USIA budget.

I am not one who is for high budgets for the sake of high budgets, any more than I am for the sake of slashing expenditures just for the sake of slashing them. In the case of the USIA budget as reported by the Committee on Foreign Relations, I was uncertain of the reasoning for the committee's action. I would have hated to see an arm of our foreign policy, which has been so constructive in the past, be weakened without sufficient justification. I would have hated to see an institution like the Voice of America, a universally respected and widely listened to American advocate throughout the world, be reduced to a plaintive murmur. VOA reaches an audience of roughly 50 million weekly. No one forces the listeners to turn on their radio stations to a VOA program, but the original authorization bill might have forced them to turn it off.

Had we so completely lost our perspective as to think that a radio station, and the other media work of the USIA, are a dangerous provocative weapon which raises hostility throughout the world?

The USIA certainly has faults, but these can be corrected without budget slashing. The main thing is that the

USIA is a spokesman abroad for this Nation and the effort to sustain America's image must not be neglected—the U.S. story must be told. For these reasons, I opposed the reductions in the committee bill, and strongly supported Senator McGee's amendment.

I ask unanimous consent that an editorial from the Washington Post on the "Sad Story of the USIA" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### THE USIA'S SAD STORY

The United States Information Agency, whose mission is telling America's story abroad, is having more than a little trouble telling its own story on Capitol Hill. The Foreign Relations Committee voted 9-4 to cut its \$200 million budget request to \$155 million, a major one-year stroke. The full Senate is to vote on the authorization soon.

Now, some whisper that the cut is Senator Fulbright's revenge: over his protest, and in plain violation of the law, a USIA film made for foreign exhibition was screened on a domestic political show. On that show, the filmmaker, Bruce Herschensohn, called Mr. Fulbright "naive and stupid." He then resigned, unrepentant, and was given the agency's highest award by its director, Frank Shakespeare.

In fact, we do not doubt that Mr. Fulbright was reacting first of all, and openly, to USIA's refusal to provide the committee with its "country program memoranda." These papers probably would have served the agency's budgetary purposes handsomely but they were withheld by Mr. Nixon in order to protect his position, in this and larger matters, on the issue of executive privilege. In the near background, of course, was Mr. Shakespeare's well publicized intent—offensive, and properly so, to Mr. Fulbright—to make USIA an arm of militant anti-Communism in a period otherwise ostensibly dedicated to détente.

The point is that Foreign Relations wielded its axe "in large part," as its report acknowledged, to force the President's hand on executive privilege. It slashed USIA's media programs an even 30 per cent across the board, without any real effort to judge them on their merits or even to discover whether they actually bore the political imprint of Frank Shakespeare. We note, with some astonishment, that the material in the committee report bearing on program merits came exclusively from a study made in 1953.

Especially distressing to us were the bites taken out of the Voice of America. Its newscasts, which American commercial media are in no position to duplicate—a point of legitimate concern to Mr. Fulbright—have retained their reputation for professionalism through the Shakespeare years. Such broadcasts express a central and continuing American interest in the open international flow of information and ideas. They would be reduced now to a weekly 454 hours, just behind Albania's 480, though, to be sure, ahead of Portugal's 440. (The Russian figure is 1903.)

We are not without sympathy for congressional efforts to extract from the executive branch enough information to make legislative oversight more meaningful. If Mr. Nixon had taken a more relaxed and respectful view of legitimate congressional requirements, he would not now have a good share of his foreign-information programs being held hostage in the Foreign Relations Committee. The Fulbright-Shakespeare chemistry, to say nothing of the Fulbright-Nixon chemistry, is not exactly good. Moreover, USIA has long been recognized as ripe, overripe for reform. At the least, a sage director would have engaged in some preemptive budget-cutting of his own.

As these various questions, particularly executive privilege, are worked out, however, it seems to us essential that the Congress should provide itself with the materials for selective judgment on the USIA's various programs before cutting them indiscriminately with a single swing of the axe.

#### THE NATURAL GAS SHORTAGE

Mr. STEVENS. Mr. President, the issue of whether or not we will construct a trans-Alaska pipeline to bring this Nation's oil to American markets is one which touches us all. It is not just an Alaska-oriented question.

For technical reasons, the oil must be taken from the ground before the natural gas. So before we can meet the shortage which exists throughout the Nation, and right here in Washington, we must provide for the North Slope oil.

Nothing brings an issue closer to home than to find that one's job or business depends on it.

The current issue of Flamette, the employee's publication of the Washington Gas Light Co., contains a front-page editorial about the natural gas shortage. It states clearly that the future of Washington Gas and its employees depends on a reliable source of supply of fuel, and the construction of trans-Alaska pipelines is vital in meeting this goal.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### ABOUT THE NATURAL GAS SHORTAGE—YOU CAN HELP

The future of each of us here at Washington Gas is, of course, tied to our Company's ability to continue to provide our present customers with both a dependable supply of natural gas and reliable service. The Company also must be able to look to a future with an assured supply of fuel that is adequate to allow growth through a constant, reasonable addition of new customers.

Of vital importance to the meeting of these goals are the development of the Northern Alaskan oil and gas finds and the construction of trans-Alaskan pipelines to bring these sorely needed fuels to the continental U.S.

Recently, on the nationally televised "Today" program, Secretary of the Interior Rogers C. B. Morton asked for letters from the American people expressing their opinions on the issuance of a permit to build a trans-Alaskan oil pipeline. Currently an injunction issued two years ago by a Federal Court prevents the Secretary from issuing such a permit. Members of the organizations which obtained that injunction have been vigorous letter writers and are likely to continue to be so in accepting Secretary Morton's invitation to express their opinion.

Concern about the ecological impact of the construction of the pipeline has been expressed by those who oppose it. Our Company and our industry are equally concerned, but they believe that plans for the pipeline include those safeguards needed to provide a safe system. They believe, too, that the environmental benefits of the clean energy (low sulphur oil and clean natural gas) that will come from the development of the Northern Alaska gas and oil finds will greatly offset any minimal adverse effect on the vast Alaskan wilderness.

Our first-hand knowledge of the current gas supply situation right here at our own Company certainly emphasizes for us just how vital is our Nation's need—now—for these supplies of gas and oil available from

Northern Alaska. It is essential then that a permit for the trans-Alaskan pipeline be issued promptly so that the availability of these energy supplies to us can become a reality.

Here, then, is the opportunity for you to take a personal hand in shaping your future, as well as that of your Company and your Nation. Express your views today in a letter addressed to:

The Honorable Rogers C. B. Morton, Secretary of the Interior, Washington, D.C. 20240.

Certainly, too, your senators and your congressmen also would appreciate knowing your views on this vital matter.

#### MICHAEL JOHNSON: LABOR'S ACTIVIST FOR RELIEF AND RENEWAL

Mr. HUMPHREY. Mr. President, on March 26, 1972, it was my privilege to attend a Histadrut dinner in Philadelphia, Pa., honoring Michael Johnson, executive vice president of the Pennsylvania AFL-CIO.

Mike is one of those remarkable and deeply committed human beings whose work for the benefit for people in need merits the respect and gratitude of history and offers the promise of home in the future. I treasure his personal friendship. But I value equally the inspiration of his determination and drive. To use Mike's self-descriptive words:

I was infected with a nagging, persistent, and almost pervasive notion that the time lost in helping those in need of help was time lost forever.

He is impatient with poverty, with sickness, with the denial of educational opportunity for a child or youth—as we all ought to be, when there is so much that can and must be done now to address these critical problems.

Michael Johnson has been honored by the establishment of a scholarship program in his name in connection with the outstanding programs of the Israel trade unions, through Histadrut, to accomplish, in Mike's words, an "almost unbelievable reclamation of human life." Receiving major support from the American Jewish community, these programs have provided vital health, education, and social welfare resources and services to people long condemned to a life of denial.

Mr. President, I ask unanimous consent that the remarks of Michael Johnson on this important occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MICHAEL JOHNSON, HISTADRUT DINNER, SUNDAY, MARCH 26, 1972, PHILADELPHIA, PA.

Tonight, many generous, indeed lavish, things have been said about me—and my role in the area of my chosen activity—the Labor Movement. To suggest that I am not deeply touched would be less than forthright. For even if all of that which has been said were to be untrue, I have relished so much hearing it said.

After all—I know something about these testimonial dinners, having attended so many as a member of the audience and in several instances having helped to produce them on behalf of other honorees and meritorious causes.

But I am human, and as such I probably am vulnerable at least on the score of want-

ing a lifetime of activity in the labor scene not to go unnoticed.

Accordingly, I offer profound thanks on behalf of my family and myself for these generous, personal tributes desperately hoping that at least some of the compliments are true.

And with respect to those wonderful things said by those who have preceded me, anything which may be true certainly applies not to me alone—but to the very many who in my admittedly long career have made possible any and all of the accomplishments credited to me. For I have since learned that it takes many hands, many hearts, many minds and the courage of the many to accomplish anything on behalf of people. My good fortune is that I have been permitted by a kind fate to play a small role in this great drama.

Permit me, however—a personal observation—since I am being singled out here tonight—the expression of a personal creed which may not again have the opportunity to articulate.

What I believe in and what I have worked for are not essentially so different from the beliefs and aspirations of others. I have shared with so many of you a dream that life should be made better for many who have been ill-fed, ill-housed, and ill-clothed.

But a long time ago I was infected with a nagging, persistent and almost pervasive notion that the time lost in helping those in need of help was time lost forever; that the weeks and months lost in bringing health care to the sick and infirm were never to be regained; in fact, every single day lost to the youth who needs meaningful education and preparation for a productive happy life is irretrievable and that in the face of such deprivation, this youth is incontrovertably limited to fewer and fewer opportunities to rise from the mire of disadvantage in which he finds himself engulfed.

At the same time there grew in my heart and mind an unshakable conviction that every man, every woman and every child had a God-given right, a birthright if you will, to fulfill himself to the utmost of his own potential. And that anything that prevented such fulfillment was a wrong—an injustice—and yes, a crime.

Thus, I have been driven to seek immediate and meaningful action—to spurn delay as an enemy of the people—and to reject gradualism as a fraud which breeds failure, deception and at best a guarantee that the injustice will remain.

Perhaps some of my colleagues and others can better understand my own impatience and unwillingness to settle for a token or a symbol of the total task which needs to be done today.

For I have been seeking, with your help, to bring new hopes to those entrapped by a deep, deadening poverty from which they cannot escape; I have been struggling together with so many of you to liberate multitudes from the bonds of pervasive ignorance from which they appear unable to free themselves—to unchain those fettered by shackles of illness and disease which appear to have become their inevitable fate.

For all of them I have wanted—and still want today—the immediacy of relief and renewal which are clearly available and possible in a society so highly capable of man-wrought miracles.

And because our human failures have not remitted, and so much more needs to be done—I can tonight only pledge and rededicate those diminishing energies and abilities, which I still retain, to the task of seeking for today the solutions which others may be willing to schedule for tomorrow.

In Israel, where so much has happened—all oriented toward the development of the single individual—where thousands have been virtually rescued from unspeakable demonstrations of man's inhumanity to

man—where so many other thousands have been transplanted from cultures, centuries old, stepped in deprivation, hunger and denial as a way of life—I have perceived movement toward human reclamation as astonishing as the transformation of arid, barren desert lands into fertile gardens.

I see, in Israel, the same unwillingness to settle for gradualism, for tokenism; an unwillingness to do tomorrow that which could and should be done today.

And in this awesome, almost unbelievable reclamation of human life—of the individual himself—I know the role which Israeli Trade Unions—through Histadrut—have played.

Can I be less than overwhelmed by the knowledge that now a small portion of this great effort through a scholarship program shall bear my name?

I am therefore doubly grateful for your collective generosity in not only tendering to me such high acknowledgment this evening—but in associating my own name and identity with the sacred effort to help young Israeli men and women to fulfill themselves as a right of birth and being alive.

Finally, with these words I hope that many who have been dealt with harshly, in my hurried anxiety to accomplish something today rather than tomorrow, will soften their judgments. I ask your forbearance.

And as I close, let me borrow a prayer from my grandfather—a gentle, profound scholar—who, as you took leave of him, would say:

"May the good Lord permit you to depart in peace—May He permit you to return in Peace. And may he ordain that when you do return—you will once again find me here."

Sholom!

#### THE PLIGHT OF SOVIET JEWRY

Mr. TAFT. Mr. President, last Tuesday I placed a telephone call to a young Jewish Russian citizen in Moscow—Gavriel Shapiro. Mr. Shapiro has been trying to get an exit visa to go to Israel for the past year and one-half. He is 27 years old and a graduate chemical engineer from the Moscow University. Since applying for an exit visa, he has been forced to take four different jobs, and each time his employer learns of his desire to go to Israel, he is fired from his job. In our telephone conversation, Mr. Shapiro recounted several alarming factors to me.

On Thursday, April 27, 11 activist Jews, including Shapiro, all of them scientists, were told to report immediately for induction into the Red Army. They feel that this is a move by the Soviets to remove them from Moscow during the President's visit. Each had asked previously for a meeting with the President, or his representative, so that they could apprise him of the current situation of Soviet Jewry. Shapiro and nine others are officers in the Soviet Army reserve. Mr. Shapiro has passed his army physical and has been told he would be called into the service "as the need arises." On Thursday, April 27, he and the others wrote a plea to U.N. Secretary General Kurt Waldheim telling of their current plight and appealed to Waldheim and others for help. Since last Friday, Shapiro and 13 others have gone into hiding. Each day others are added to the list.

The father, Jacob Shapiro, in daily conversations from Moscow, has recounted to a trusted constituent of mine the terror the family has been under-

going since last Friday. The Shapiro family has been visited at all hours of the night and harassed constantly by telephone-calling from representatives of the Soviet militia as well as the KGB—Soviet secret police. The elder Shapiro was warned by the authorities that if his son does not report for active military duty at 9 o'clock tomorrow morning he will be immediately placed on trial, prosecuted, and sentenced to 7 years of hard labor in Siberia.

In a telephone conversation yesterday, Shapiro's father released a letter addressed to the Senate of the United States. This plea was written by him in behalf of the 13 other parents and wives of these brave men. I ask unanimous consent that Mr. Shapiro's letter and an article published in the Washington Post this morning be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

To: The U.S. Senate

GENTLEMEN: Agents of the KGB are undertaking a treacherous campaign to terrorize all the young Jewish men with higher education who have presented documents to go to Israel. They will be inducted into the Soviet Army.

The police brought military induction notices to my son, Gavriel as well as to thirteen others. These notices stated that these young men must report immediately to their regional military committees. The police are presently looking for these young men all over Moscow and have been coming to our apartment at all hours of the night looking for my son who has already gone.

The situation is very dangerous for these young men. They are threatened with imprisonment for up to seven years. These fourteen young men are struggling for emigration—today and the future.

It is necessary to take the most effective action in their defense. Trials must be prevented.

World! Do not be silent!

JACOB SHAPIRO.

P.S.—Please convey my message to President Nixon and to Mr. Kurt Waldheim.

#### ELEVEN SOVIET JEWS HIDE TO AVOID GOING TO ARMY

(By Robert G. Kaiser)

Moscow.—Eleven young Jews, several of whom hoped to stage a demonstration during President Nixon's visit to Moscow, later this month are in hiding to avoid being called into the army, Jewish sources here report.

All 11 Jews are scientists in their late 20s and 30s, all have applied for permission to emigrate to Israel and all have been denied that permission, these sources say. They are regarded as activists in the Jewish movement here.

In Washington, a spokesman for the Washington Committee for Soviet Jewry said that telephone calls to the Soviet Union disclosed a similar pattern of pressure on Jewish activists in a number of cities outside Moscow.

[In Tallin, Estonia, and Kaunas, Lithuania, two men were unexpectedly called to military duty, while a Jewish activist in Sverdlovsk had gone into hiding the spokesman said.]

Alexander Y. Lerner, a professor whose 28-year-old son is one of the 11, said the group included many of the most useful members of the Jewish protest movement, as well as those "who are brave enough to make some manifestation during President Nixon's visit."

Four of the 11 had actually applied for official permission to stage a demonstration

during the Nixon visit carrying signs reading "Let my people go."

A group of Jews including Lerner wrote Mr. Nixon asking to meet him here. Lerner said that he didn't really think this would be possible, but he does hope to meet a member of the presidential party in Moscow.

#### STRANGE SITUATION

He also says there will be a public demonstration while Mr. Nixon is here, but other Jewish activists say there will be no demonstration, because that could only lead to trouble. Activist Jews in Moscow often disagree on tactics.

News of the 11 men hiding from the army is already well known in activist Jewish circles in America and Europe—a fact which reveals something about the strange situation in which Jewish protesters here now find themselves.

Russian Jews got the news to the West by long-distance telephone. "Every day," Lerner explains, "I get calls from Los Angeles, Chicago, Florida, New York—everywhere . . . Today, I heard from Ohio, New York, London—twice from London—Canada."

The callers are Jewish activists in those cities, who apparently have no trouble getting through Soviet switchboards to talk to dissident Jews here. Lerner is only one of many Jews receiving these calls.

This correspondent first learned of the 11 Jews in hiding in a telegram from The Washington Post in Washington. Americans who had been talking to Moscow by phone contacted The Post.

These phone calls suggest the dependence Soviet Jews often feel on the outside world. This sense of dependence has grown since the small band of dissident Jews here learned that President Nixon was coming to Moscow May 22, "President Nixon must help us," Lerner said.

He also criticized the Voice of America for not carrying enough news about Jewish dissidents in the Soviet Union.

#### SMALL GROUP

The 11 young men in hiding are part of a relatively small group of Soviet Jews who have been denied permission to emigrate to Israel because of their jobs, educations or both. (Generally, emigration continues at a fast rate. More than 9,000 Soviet Jews have left for Israel so far this year.)

Lerner, a small, chain-smoking man of 58 who speaks English with a gravelly voice, is one of these himself. An expert on cybernetics with an international reputation and a dozen books to his credit.

\*\*\* Lerner says he was told by Soviet authorities "We cannot give such a gift (as him) to Israel . . ."

Lerner has been refused an exit permit three times since last fall when he first applied—and lost his job.

Others who have been denied exit visas include former employees of sensitive organizations, or others who had access to state secrets. This has been literally interpreted, so that some former Aeroflot pilots, for instance, have been denied visas.

#### POLISH CONSTITUTION DAY

Mr. HUMPHREY. Mr. President, in May of 1959, I had the privilege to address some 100,000 Americans of Polish descent in the city of Chicago during the commemorative services observing the 168th anniversary of the Polish Constitution.

Again, I join all Americans of Polish descent in recognition of that historic event of May 3, 1791—an event significant to all mankind.

To the Poles and their descendants, this is the national holiday, for it recalls a priceless heritage of humanitarianism,

tolerance and democratic principles conceived by the people of Poland at the time when most of Europe lived under unconditional tyranny.

The May 3, 1791, Constitution was the first liberal constitution in Europe and only second in the world, after the Constitution of the United States. Following the American pattern, it established three independent branches of government and secured all the basic human rights which we so dearly hold in the United States.

Neither partition nor persecution has been able to stamp out the flame of liberty in the hearts of the Polish people. Their struggle for justice and freedom will continue in Poland and elsewhere in the world, just as 200 years ago when those two great Poles—Generals Kosciuszko and Pulaski—contributed so much to our great cause and to the success of Washington's armies.

Poland has been called a pioneer in European liberalism. Certainly, freedom-loving peoples everywhere in the world must take satisfaction and inspiration from this passage in the Constitution of May 3, 1791:

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale and on a lasting foundation.

Freedom-loving people everywhere deeply regret and abhor the fact that almost two centuries later this great document is not a living reality for the Polish people. Nonetheless, the Constitution of Poland of 1791, so much like our own charter, stands today as a beacon of light and hope in the darkness and pessimism of Soviet oppression.

While I now salute the authors of this great document of liberty—men like Potocki, Kollotaj, Malachowski, Niemcewicz and Krasinski—above all, I salute the people of Poland everywhere.

#### CHROME IMPORTS FROM RHODESIA

Mr. MCGEE. Mr. President, this week the Senate is expected to decide whether we will revoke our action taken last fall, action which allowed this country to violate a United Nations ban on chrome imports from Rhodesia.

At the time the Senate approved section 503 of the Military Procurement Act of 1971, a number of us opposed such a move in that we felt it was ill-advised for us to become an international law-breaker. In addition to turning on an old ally—Great Britain—we were in a position of alienating the black African nations by our action.

Last Thursday, May 4, Bishop Muzorewa, of Rhodesia, was in our Nation's Capitol rallying support on behalf of my amendment to the State Department-USIA authorization bill which would turn around last fall's action by this body.

In a statement issued by the Bishop, he raised some very poignant and soul-searching questions. The bishop stated that his people were:

Asking you to place moral weight, of this great nation, on the side of human freedom

international law and order by reinstating the sanctions against Rhodesia.

The bishop further stated:

America has never been a colonialistic power in Africa. She has eliminated the cruel system of slavery and moves every day toward complete commitment to a non-racial society. We do not think the action to break the U.N. sanctions against Rhodesia is supportive of Human Rights. The action of your government to break sanctions and to begin to import chrome was a severe blow to our struggle for freedom.

Economic sanctions provided us with the only tool we have in our non-violent Christian struggle for a free Rhodesia. We ask that you help us and in the process contribute to the moral rearmament of Rhodesia and the U.S.

Bishop Muzorewa represents the voice of moderation in his people's struggles in Rhodesia. If a nonviolent approach to his people's problems is to continue then this country cannot take actions which can only lead to promoting an atmosphere of violence. I believe the action of the Senate last fall only served to hasten the day when the Africans of Rhodesia feel that violence is their only solution. And we must assume much of the blame, should that day ever come, unless we take immediate steps to redress a wrong and ill-advised decision on our part.

I ask unanimous consent that Bishop Muzorewa's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BISHOP MUZOREWA, MAY 4, 1972

The Rhodesian government proclaims to the world that it is "preserving civilized standards." It compares its declaration of independence in 1965 to that of the American Colonies in 1776. But we all know that the difference is that America was seeking for freedom, but over there intention was to enslave the Africans. What are the "civilized standards" which are being preserved in Rhodesia today? Here they are:

The 5% of the population which is white maintains total political control over the 95% of the population which is black.

Whites elect 50 members of Parliament while Africans elect 8 under a highly restrictive franchise, and the other 8 are elected by chiefs.

Every African opposition party formed in the last 14 years has been banned.

Hundreds of Africans have been arrested, placed in detention centers indefinitely under laws that allow for no trial, no statement of charges, and no appeal.

Thousands have been imprisoned under a wide range of vague laws that are interpreted to cover almost any kind of behaviour. For example, Section 24 of the Law and Order Maintenance Act of 1962 states that any person who "behaves in a manner which is likely to make some other person apprehensive as to what might happen . . ." can be imprisoned for up to ten years.

Half the land, 45 million acres, is reserved for the use of a small number of white farmers, while Africans are assigned to the other half, located in dry or mountainous areas.

Thousands of unemployed compete for jobs that provide only a bare subsistence averaging \$26 a month while whites average \$300 a month.

The government spends an average of \$30 a year for African education while it is spending \$300 for white children, per child a year.

The greatest tragedy of all is the crippling of human dignity by a system that constantly denies the sacred value of the individual.

The 5½ million blacks who live as aliens and as 3rd class citizens in the land of their birth along with a few white allies continue to challenge the call upon the free world, especially American people, to support them in their struggle for freedom. This nation has traditionally stood for democracy, freedom and the dignity of man.

We are asking you to place moral weight of this great nation on the side of human freedom, international law and order by reinstating the sanctions against Rhodesia.

America has never been a colonialistic power in Africa. She has eliminated the cruel system of slavery and moves every day toward complete commitment to a non-racial society. We do not think that the action to break the U.N. sanctions against Rhodesia is supportive of the ideals of the American Bill of Rights or the U.N. Declaration of Human Rights. The action of your government to break sanctions and to begin to import chrome was a severe blow to our struggle for freedom.

Economic sanctions provided us with the only tool we have in our non-violent Christian struggle for a free Rhodesia. We ask that you help us and in the process contribute to the moral rearmament of Rhodesia and the U.S.

All intelligent people know that the struggle for freedom everywhere is serious and strenuous, and even prolonged. But we believe that a government by the consent of the majority of the people is inevitable in our country. Would the U.S. want to be counted as having been on the side of oppression and minority rule? If there should be demand of reparation would the U.S. not be embarrassed if she was one of the nations asked to make restitution for having participated in any way in the oppression of a once hopeless people?

The hands of the clock of Rhodesia are pointing toward freedom. Would America set those hands back? I do not believe so. We ask that you all help us by imposing strong economic sanctions on Rhodesia now.

#### THE PRESIDENT'S CHOICE OF INTERDICTION

Mr. TAFT. Mr. President, President Nixon has made a courageous choice. It is one best calculated to bring about a negotiated settlement of the war and to offer the best chance for longer range peace in Southeast Asia and stable relations between the world powers.

The cynical disregard of peace overtures made by the United States and South Vietnam on the broadest basis, accompanied by the continued raw aggression of North Vietnamese forces, necessitated the confrontation brought about by the President's chosen course of action, and all Americans should back him in it.

Obviously, the strong support and approval of the Soviets has been and continues to be essential to the current North Vietnamese invasion. That invasion had eliminated any possibility of peace without subjugation and elimination of the South Vietnamese.

The only alternative available to the President, other than the utter abandonment of millions to whom we have made a de facto commitment, would be to provide counterweapons such as medium or heavy tanks and long range artillery. This we have avoided because it would bring about an escalation of the war.

The choice of interdiction by the President is within the clear authority to defend American forces and those of our allies. It should signal to the Russians that a negotiated settlement must be sought. As the President pointed out, it also represents the best chance we have of obtaining a return of our war prisoners.

I believe it is now up to the Russians to join with us in a responsible role to bring about an end to the flow of war materials and of hostilities in both North and South Vietnam. The progress made recently in other meetings with the Soviet Union indicates a good chance that it can succeed.

#### JOBS FOR YOUTH: COMPREHENSIVE ACTION DEMANDED

Mr. HUMPHREY. Mr. President, the recent adoption by the Senate of the second supplemental appropriations bill, H.R. 14582, as amended, included a vitally important response to the critical problem of extensive youth unemployment in the poverty areas of our cities.

In a highly commendable action, the Senate Committee on Appropriations had recommended a supplemental appropriation of \$247 million for manpower training services, including \$223.9 million for the Neighborhood Youth Corps summer job program. This is the largest supplemental ever recommended by the committee for this vital program, providing for 947,928 job opportunities on a 9-week basis for poor youth in America's cities.

I strongly urge that Senate and House conferees on this appropriations measure sustain the action of the Senate in approving these additional funds to meet serious needs of the cities and to provide badly needed jobs and income for several hundred thousand young men and women. And I urge the administration to assure the full-scale operation of this essential summer job program without delay.

The Senate action goes far toward meeting the level of available and required jobs for youth that has been documented by the National League of Cities and the U.S. Conference of Mayors—almost 1 million wage-earning slots, but on a 10-week basis as the program has been operated prior to last summer. It had been my privilege to join with Senator JAVITS and 25 other Senators in supporting this urgent request by these national urban organizations before the Senate Appropriations Subcommittee on Labor and Health, Education, and Welfare and Related Agencies, and I am gratified that the committee fully recognized the merit of our strong appeal.

This level of need that can be effectively met by our cities compares directly with the administration's proposal simply to maintain last year's level of work opportunities, under the New York City summer program, of 609,300 slots and on the shorter basis of 9 weeks. It was only under intense congressional pressure that the administration agreed

to increase appropriation requests to achieve this level of jobs for youth last year, although it was short of the goal initially called for by Senators NELSON, JAVITS, myself, and others. Since then, the administration has not hesitated to take full credit for increasing the level of job opportunities for youth over that of previous years.

I would welcome this new-found pride of accomplishment by the executive branch in this area of serious human need. But I am deeply concerned that this administration may still be failing to recognize that simultaneously there has been an escalation in the crisis of unemployment among America's youth, particularly among young persons in the urban and rural ghettos of poverty.

#### THE CRISIS OF YOUTH UNEMPLOYMENT

The rate of joblessness among teenagers stands at a disastrous level of 17.9 percent—more than three times the national level of unemployment that itself is economically and morally unconscionable. But the crisis of joblessness has been felt most sharply among nonwhite youth under age 22, living in poverty neighborhoods, where the unemployment rate has soared to 34.3 percent and to 42 percent among young black men aged 16 to 19.

Now, this is the problem as it already exists. But what about the millions of young men and women, presently in high school or college, who will be looking for temporary or permanent jobs this summer? And what action is being taken now to enable an expected 3 to 4 million young persons each year over the coming decade to find full-time work?

It has been estimated that 2.3 million high school graduates and college students will be looking for temporary jobs this summer. Consider the impact this will have on the 1.3 million youth and 400,000 Vietnam-era veterans looking for a steady job right now. Then add to this cadron another 1.2 million high school and college graduates this June who will be seeking permanent employment.

Even the staggering rate of unemployment among black youth in the urban ghetto does not tell the full story of frustration, despair, and lives crippled by the denial of regular work opportunities at a decent wage, in our areas of poverty.

Two disturbing indicators that this is a problem of major proportions have been sharply focused in recent weeks in surveys by the Census Bureau and by the staff of the Senate Subcommittee on Employment, Manpower, and Poverty, of the unemployment situation in low-income neighborhoods in 51 of our larger cities. First, it is estimated that the true unemployment rate in these neighborhoods—adding those seeking full-time work or discouraged in their search for jobs—is nearly double the high level of 9.6 percent reported for 1971 by the Bureau of Labor Statistics.

Second, the subemployment rate—a more accurate indicator of the actual depression economy existing in the city ghetto of poverty, reflecting not only those out of work, but also those who have given up trying to do better than their ill-paid, part-time jobs, and full-

time workers paid less than \$4,000 a year—may be over 30 percent. One out of every three families lives in poverty, for lack of decent-paying jobs in the area, and two out of three families earn less than what the Government has defined as a "low adequate budget" of \$6,960 per year.

#### YOUTH IN POVERTY: NEIGHBORHOOD YOUTH CORPS JOB PROGRAM REFORMS

Last year, I undertook an important new initiative to meet the critical need of jobs for young men and women handicapped by the double barriers to opportunity—racial and economic discrimination. It has been my privilege, as Vice President and Chairman of the President's Council on Youth Opportunity, to work directly with State Governors and city mayors in launching vital new programs to overcome these barriers throughout the Nation. Out of this extensive firsthand experience with the harsh reality of lives crippled by poverty, I was determined that more could and should be done.

Therefore, in April 1971, in testimony in the Senate on the economic opportunity amendments bill, S. 2007, I proposed a fivefold expansion of the Neighborhood Youth Corps out-of-school program to provide for 250,000 job opportunities. And I called for a reorientation of this program to involve teenage youth in vital projects of community improvement and public services. I emphasized the importance of enabling our young people to work directly in creating a more livable, decent environment in depressed neighborhoods, as, for example, in projects to develop and maintain parks and playgrounds, to clean up streets and vacant lots, and to provide recreational programs for children and other community services. And I insisted that this be a comprehensive program to genuinely help teenagers who have dropped out of school, by also providing them opportunities to continue their education to obtain good jobs at a decent wage.

The antipoverty bill subsequently passed by the Senate included a provision for an additional authorization of \$500 million to create 100,000 more work and training opportunities in the New York City out-of-school program. But the administration not only vetoed this bill, but also reduced enrollment slots in this program to 49,000 in its budget request for fiscal 1973.

I firmly believe that Congress must reverse such inexcusable, regressive actions by this administration in the face of critical human needs across this Nation. We must not continue to deny hundreds of thousands of young people vital opportunities to make something worthwhile of their lives.

#### A MAJOR EXPANSION OF PUBLIC SERVICE JOBS

We must also launch a frontal assault on substantial unemployment afflicting younger and older workers alike. That is why I have introduced the Employment Opportunities Act of 1972, S. 3365, to provide for more than five times the level of public service jobs currently created under the Emergency Employment Act. The provision of 148,000 jobs under this act, when more than 5 million Ameri-

cans are out of work, has been almost meaningless in addressing the crisis of youth unemployment. Only some 12 percent of these jobs are held by young people under age 21.

The time has come for the Federal Government to become the employer of first opportunity, to restore the confidence of the people and their hope in America's future. What this administration must recognize is that the immediate need across America is for jobs—jobs that are of vital importance to our communities struggling to provide adequate public services; jobs to restore hope and confidence; jobs to stimulate consumer purchasing power; jobs to enable thousands upon thousands of families to obtain food and clothing, health care, and to rebuild the savings wiped out over 3 year of recession.

But we must also act decisively to help the young person facing a summer of uselessness and continued poverty, often moved by the senselessness of this enforced idleness to accept the equally less violence of the youth gang.

We waste one of our most vital national resources when we leave on the street corner the youth with a vision, a commitment, a determination to know a better life for himself and his community, and to work toward the achievement of a more just and decent society.

#### AMERICANS FOR DOMESTIC DEVELOPMENT

I have proposed the establishment of a major new service corps, Americans for domestic development, to utilize the idealism and impulse for service of Americans of all ages to meet the human needs of the Nation. We must make the decade of the 1970's a decade of dynamic domestic development. We need to concentrate not only on the problems of poverty in America, but on the countless unmet domestic needs that the present administration has neglected—needs in education and health care, in conservation and recreation, in crime prevention and the rehabilitation of drug abusers, in child day care and tutorial programs, in helping hard-pressed local governments design and execute a wide range of programs for people.

We need a service corps that can address these problems through locally based and effectively organized projects, with Federal assistance and constructive monitoring of operations. Members of A.D.D. would be allowed to serve in communities where they live and where they want to make a contribution, and this contribution can be on a full-time or part-time basis. They should also participate in the decisionmaking levels of Government.

Such a service corps can enable young people to be effectively involved in ongoing programs to address the problems I have outlined, and to earn a decent income. There are thousands of important tasks that young people can and should be performing, because they have skills and direct experience as well as commitment: work as hospital assistants, teacher aides, camp counselors, and recreation program directors, or manning information centers on community services and contacting appropriate Government agencies to get help for people in

need, or counseling other youth and working with street groups, and undertaking vital environmental improvement projects in both the city and rural areas.

The Americans for Domestic Development program can be tied in with my proposal for the expansion and reorientation of the Neighborhood Youth Corps job programs to provide not only extensive opportunities for job training that is relevant to the current labor market, and for work experience at a decent wage, but also remedial education services and flexible programs for continued education for youth who have dropped out of school.

We should also provide Federal assistance to help meet the operational costs of locally organized programs to provide young people with odd-job employment opportunities. Many programs of this kind are already being run by the National Alliance of Businessmen, community action agencies, Jaycees, city governments, and the Urban League. Federal assistance toward meeting direct program operation costs, can enable these programs to meet the needs of many more thousands of youth seeking part-time employment. This assistance would be tied to the requirement of the maintenance of this local effort, and the assurance of safe working conditions and a fair wage in the private-sector jobs that these programs locate for young people.

#### EDUCATIONAL ASSISTANCE FOR AMERICA'S INVISIBLE YOUTH

But it is also high time that Federal leadership focus attention on the needs of America's invisible youth—the more than 8 million young Americans not in college, but in factories, on farms, in offices, or at home. They should now have a fair share in the educational subsidies and privileges enjoyed by college students. I have proposed a Federal program of scholarship funds and educational loans so that these young men and women who must work by day can attend night courses at a community college or university.

I firmly believe that education beyond high school in America is a right—not a privilege. It is essential if a young person is to improve his employability skills and compete effectively in a changing labor market that is demanding ever higher qualifications.

#### INTERNS FOR POLITICAL LEADERSHIP ACT

We must also now enable youth to be directly involved in the decisions and operations of all levels of government as part of a higher education that is relevant and comprehensive. Working as interns in the offices of elected officials in local and State government, and at a reasonable rate of compensation during this work experience, they can learn at firsthand the strengths and problems of government that must strive to be both representative of and responsive to the people. Directly participating in the policy-determination process and in the provision of services to constituents, they will obtain a firsthand experience by which to evaluate their career plans. And government will benefit greatly by the experience of the commitment and innovative thinking of youth.

It was for these reasons that I introduced the Interns for Political Leadership Act last year, to establish such programs in cities and State capitols across the Nation. This legislation has subsequently been passed by the Senate, and provides a model of what I believe must be done if youth are to believe that they have a direct voice in American democracy. City councilmen and State representatives have expressed their full approval of the results of pilot programs in numerous areas, at the same time noting a serious need for this assistance.

#### MAXIMUM USE OF DEFENSE TRAINING FACILITIES

Finally, I believe that an immediate examination must be made of further job training resources for Vietnam-era veterans and young men and women—resources purchased with Federal tax dollars but not being fully utilized. For example, we should look to the full utilization of Department of Defense training facilities, equipment, staff, and programs, for job training and work experience, as the military need for these facilities and programs is reduced or terminated.

Why could not these facilities be shared with or leased by State and local governments for job training centers for younger and older workers, with program costs being shared by the Federal Government? Various pilot projects of this nature have been undertaken over recent years—as, for example, in Job Corps programs—but much more can and should be done on a sustained basis.

I suggest that the Department of Defense, while retaining ownership of these facilities where necessary to the national defense, be enabled to undertake appropriate contracting and regulatory procedures for the transfer or sharing of these governmental assets with State and local governments, both to promote the employment of military personnel in transition to civilian status, and to enable unemployed persons in the surrounding region to learn new skills where serious shortages exist in the labor market.

#### NATIONAL LEADERSHIP DEMANDED

All these proposals represent vital new directions that I am determined to see taken in meeting the critical need of youth for jobs—jobs with a purpose, jobs that need to be done to strengthen the economy and improve our communities, and jobs that must be provided now.

The need for action is urgent. The demand for decisive national leadership to address the crisis of youth unemployment should no longer be avoided.

#### THE ANTIDRUG DRIVE

Mr. HUGHES. Mr. President, on March 28, 1972, the New York Law Journal publish an article entitled "KENNEDY: Antidrug Drive Needs Total Effort," written by the Senator from Massachusetts. The statement clearly outlines the urgency of our national drug abuse epidemic, and it explains why the Nation must begin immediately to eliminate the sickening tragedies caused by

the abuse of narcotics and other drugs. As chairman of the Subcommittee on Alcoholism and Narcotics, I am pleased that Senator KENNEDY has expressed his concern and interest in this terribly vital national issue.

I ask unanimous consent to have printed in the RECORD the statement of Senator KENNEDY published in the New York Law Journal of March 28, 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### KENNEDY: ANTIDRUG DRIVE NEEDS TOTAL EFFORT

(By EDWARD M. KENNEDY)

America in the 70's is a drug society. To get to sleep we pop a pill. To wake up we take another pill. Headaches, colds, aches and pains are compelling reasons for taking more drugs. We take drugs to control our birth rate and we take drugs to keep from eating too much. We even have rituals for taking certain drugs so that we don't realize or look upon them as drugs. During the coffee break we get our daily intake of caffeine; cigarettes satisfy our passion for nicotine, and the cocktail party meets our demand for alcohol.

Ordinarily, most of these drugs are totally safe. Aspirin and coffee surely don't pose a health threat under normal use. While birth control pills may have side effects, they, too, are generally safe. Other drugs are perhaps safe in limited use, but some are easily subject to abuse, like alcohol. Some drugs, though inherently dangerous and destructive even in ordinary use, like nicotine, are still somewhat controllable and pose little threat to the stability of society. But, the building crescendo about a drug epidemic concerns a singularly lethal and debilitating drug—heroin. And the widely broadcast concern about an epidemic is stimulated by the mounting toll of lives that heroin ruins.

#### NONE ARE SPARED

Heroin addiction and abuse are everywhere. Parents in the comforting affluence of Beverly Hills complain as much as mothers whose children are forced to play in the squalor of South Chicago. In Washington, D.C., one fifth of all young men between twenty and twenty-four are estimated to be heroin addicts. Experts claim that New York City, the nation's drug capital, has more than 100,000 addicts. Wesley Uhlman, the Mayor of Seattle, believes there may be as many as 2,000 addicts in his city. Medical authorities put the number of addicts at 5,000 in Phoenix.

Heroin is a plague ravaging all of our citizens. People are filled with terror at home and in our streets because the victims of heroin stalk the urban byways for money and goods to sate their craving. Each of us is in danger of becoming a casualty of the frenzy of the addict stealing for his habit. In a community of two million citizens, at least \$200 million is "ripped off" each year to support heroin addiction. In 1970, more than 2,000 deaths were caused by drugs. And the average age of users keeps dropping each year.

What can we do about this epidemic? Can it be stopped before it gets out of hand? Or, is it out of hand already? As I see it, there are two alternatives. We can panic. In our panic we will only produce cosmetic changes that are superficial and insincere. Or, we can really seek to resolve the basic causes of the problem.

#### HEROIN AND GUNS

In a startlingly ironic way, the widespread abuse of heroin compares with the nationwide mystique for guns. Today, fear, apprehension, mistrust, anguish and pain are the dreaded products of our nation's history with firearms. In early times guns were a necessity. They were used to claim a new nation; to es-

establish a new life. Thus, through the years America has nurtured and worshipped the "power of the barrel." Today, guns are still an integral part of our society. But they are so abused and misused that among the nations of the world, America stands in the bloodiest pool of deaths by gunfire.

We have somehow managed to weave into the fabric of our new world culture a similarly mystical dependence upon drugs, so that the switch from caffeine to codein or from nicotine to marijuana is really no switch at all. Rather, it is quite a predictable outcome for a population that insists on making life seem like a perpetual happy holiday where a pill cures all.

So far, even the way we have tried to deal with the drug problem is not unlike our approach to the gun problem. "Guns don't kill, people do" cry the critics of gun controls. Upon that kind of misguided philosophy we have enacted a plethora of laws to punish people who maim, intimidate or kill with guns. But we have devised no effective method to control the availability of these deadly devices that caused 10,200 murders in 1970.

#### CUT OFF THE SOURCE

Shamefully, and perhaps blindly, America has adopted a singularly unenlightened policy about the misuse and abuse of narcotics. Our national, and indeed our local, policies dealing with narcotics substances seem to be founded on the notion that "heroin doesn't steal, people do." And so, we have acted to lock up the user, while the flow of heroin and other narcotics remains almost unabated. Let's cut off the supply at the source and pursue drug traffickers relentlessly.

In July, 1969, the Administration announced its "commitment" to combat the drug menace. That announcement included all the right words about a balance of law enforcement, education, rehabilitation, and research. But two days later, when the Senate received the Administration bill, it was one dimensional. That bill was all enforcement and no rehabilitation, no research and no education. Moreover, the Administration blocked attempts of those of us who sought to add these other three dimensions. And so it is, that we seem doomed to suffer from the full visions of the past when dealing with the modern threat of a narcotics epidemic.

We seem compelled to continue believing that it is proper to place anyone who has had anything to do with drugs in jail. But what good is it to arrest drug users if we don't have the facilities to deal with them and if they are going to end up back on the streets and back on drugs. We do the same with those arrested for gun crimes. They also wind up back on the streets with a gun back in their pocket.

#### NATIONAL SUICIDE

To those who take the position that guns will always be with us, I submit that we must sustain an unending campaign to redevelop the proper role of firearms in our lives because the current place that guns have in American life is tragically and needlessly destroying the quietude of our family and community life. At the same moment, if we are to accept the claim that narcotics will always be a part of our life, then we must also seek to develop its proper role in our society. Unless we do so, there may be a gruesome nationwide contest to eradicate ourselves with either a shot of heroin or a shot of lead.

Yet, it seems clear that we have a chance to halt the madness of drug abuse, even though the problem continues to grow at a staggering rate. Our most important task, however, is to recognize that the answer is as complex as the problem. It is not sufficient just to seek the elimination of heroin or other narcotics from our society. We must devise a fundamentally rational and coordinated attack so that new people will be

prevented from getting caught up in the heroin morass; those who are already part of it must be rescued, and others whose greed contributes to the spread of the problem must be effectively deterred.

Drs. Dupont and Katon, in Washington, D.C.'s narcotics treatment program, call for a national commitment to end the current spread of narcotics abuse. They warn that even with a well-structured treatment program there is a particularly cruel problem to be faced.

"When a program is functioning well, the heroin addicts will come and come and come," they said. "There won't be enough money to treat them all. The program must either establish a waiting list or dilute services to an unacceptable level. The involved physician will be forced into the role of program advocate and contender for inadequate public or private funds. He will begin to fight with national granting programs such as the National Institute of Mental Health and the Office of Economic Opportunity. He will do battle with his local and state government. He will compete for funds with other health programs. The reason for this is as obvious as it is tragic: nowhere in the country has the leadership fully grasped addiction and nowhere is enough money available."

Obviously, the only sensible answer is to pursue the drug problem with the same persistence that plunged us into justifying blowing up the tiny island of Amchitka, or building gigantic aircraft that refuse to fly, like the C-5A. But, to do that will involve a commitment on the part of all of us to think with open minds and to act with sense and balance.

I am privileged to serve on the Senate subcommittees—the Judiciary subcommittee to Investigate Juvenile Delinquency and the Labor and Public Welfare subcommittee on Alcoholism and Narcotics—which are jointly responsible for the development of programs on drug dependence and drug abuse. On the basis of my experience on these subcommittees, and with information I have obtained as chairman of the Health subcommittee, it is clear that we must and can develop a comprehensive approach to the drug problem.

In 1970, I joined with Senator Harold Hughes and other members of the Labor and Public Welfare Committee to introduce an amendment to the Controlled Dangerous Substances Act that would have established a new "National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence" in the Department of Health, Education and Welfare. That amendment provided for the emplacement of a centralized system to control government drug problems.

Prevention, education, training, treatment, rehabilitation, and non-enforcement related research would all be in one highly visible place. The system would have a mandate to ensure that the federal drug effort is effectively utilized; it would make sure that all government programs are funded and it would coordinate the many existing projects with each other.

#### THE ESSENTIAL COMPONENTS

Through testimony received by our committees we know that the three dimensions of research, rehabilitation and education are essential components that must be available to complement any aspects of enforcement that are implemented to stem the appalling increase in drug abuse. I firmly support adequate enforcement procedures that will seek out and prosecute importers, illegal manufacturers, distributors and others, who make big business and big profit from destroying lives with heroin. It is clear that enforcement is ineffective when it operates without the benefit of adequate treatment, education or research. For those who are users, but not pushers, the emphasis should be prevention and rehabilitation, not simply throwing them in jail.

Dr. Vincent P. Dole, the renowned pioneer in methadone treatment procedures recognizes two elements in resolving an addict's dependence on heroin.

First, the users craving for heroin must be eliminated at the same time that moves are taken to end the criminal activity required to finance his habit.

Second, society demands that the individual replace his social defects with socially productive work, like returning to school, seeking job training or job placement and reestablishing a "normal" family life.

But, says Dr. Dole, to insist that success in social rehabilitation should be the measure of efficacy of methadone treatment is like basing the efficacy of insulin treatment on the diabetic's ability to get a job rather than basing it on the ability of insulin to control blood sugar.

#### DECISION MUST BE MADE

Again, as with our attitude toward guns, we tend to be more concerned about affecting the behavior of users than with eliminating the source of the problem. Heroin should never enter this country. Since it does, let's offer help to those who become slaves to its power. It makes no sense to wait until a person has already become a drug abuser before trying to do anything about him. We must decide what it is we need to know about the causes, mechanisms and potential cures of drug abuse. And then we must stimulate and finance the best and quickest research. Right now our research is haphazard and reactive. Dissemination and analysis of results are slow and slipshod.

We must have an education program which prepares parents and children to handle the challenges and temptations which drugs present. These efforts must be honest and straightforward. They must not deceive, or they will be ignored. They must not merely frighten, they must explain. They must admit lack of knowledge where there is a lack of knowledge, and describe risks where there are risks. Legislation presently pending in the Senate that is designed to strive to meet these goals will hopefully be approved in this session of the Congress.

#### MANY THINGS TO BE DONE

There are so many things that need to be done. We could identify large numbers of addicts through analysis in our general jail intake process. We can tap the boundless dedication and energy of ex-addicts—who want to help cure new addicts, and have done so successfully. We can experiment more broadly with methadone which seems to hold great promise for allowing many addicts to resume normal lives, if used under proper controls. And we can do something about the tragic lack of bed space in detoxification facilities so that we can begin to work on addict's vocational, emotional, financial, and other problems in a drug-free environment. Obviously, the same rehabilitation approach is not the best one for all drug abusers. We must develop a whole matrix of approaches to match the cure with the individual problem.

I am hopeful that the direction of the Commission Report on Marijuana Usage, along with new legislation will begin to establish the national commitment that has been talked about for so many years.

#### J. EDGAR HOOVER

Mr. HUMPHREY. Mr. President, J. Edgar Hoover has been for better than 40 years one of the central figures of our time—a man of unquestioned ability, personal integrity, and professional competence.

The FBI bears the mark of his strong personal leadership. Few men in our time have made such a strong impact on

American public life. Presidents without regard to party have placed their trust and faith in him and the organization that he directed.

Inevitably, a man of such strong will and powerful position was subject to controversy. His dedication to the Nation and the law will be living monuments to his illustrious career. In his death the Nation has lost a great patriot and an outstanding public servant.

#### SPACE AGE TECHNOLOGY SPURS AMERICAN EXPORTS

Mr. CURTIS. Mr. President, one of the points that received emphasis at this year's hearings on the NASA authorization for fiscal year 1973 was the importance of high technology exports in America's balance of trade. The aerospace industry alone provides some \$4 billion in exports annually while only some \$350 million are imported. Advanced technology developed through the military programs and NASA are largely responsible for our balance of trade surplus in this area.

What does this mean in terms of jobs?

It is a fact, that each \$1 billion of aerospace exports represents jobs for some 60,000 to 65,000 of our fellow Americans—and this is a conservative estimate.

Moreover, space-age technology has contributed to American preeminence in the field of electronics. During the hearings on NASA authorization, Dr. Fletcher, the Administrator, made this statement:

We have moved on to the next step beyond transistors, integrated circuits and large-scale integration, because of the technology. . . .

An example of what Dr. Fletcher was talking about appears on page 86 of the NASA fiscal year 1973 hearings held before the Senate Committee on Aeronautical and Space Sciences. It is an article entitled "Technology—Turning the Tables on Japan," published in *Business Week* for March 4, 1972.

The article describes how the rapid development of the semiconductor in the United States has turned the electronic calculator business upside down. The market for low cost calculating machines has been Japanese dominated over the past few years. Now, however, with new technology, the United States is expected to capture a substantial portion of this market—a portion that could be worth \$500 million to American manufacturers.

I ask unanimous consent that the article be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

[From *Business Week*, Mar. 4, 1972]

TECHNOLOGY—TURNING THE TABLES ON JAPAN  
U.S. CALCULATORS OVERWHELM THE JAPANESE IN  
A NEW MASS MARKET FOR THE MACHINES

Technology is changing the electronic calculator business so fast that no one seems able to keep track of what's going on—least of all the Japanese producers who only last year had a stranglehold on the market. The rapid development of advanced semiconductor devices in the U.S. has turned the business upside down. American manufacturers, industry leaders say, will dominate the U.S. market this year and may even snap up parts of foreign markets.

Five developments over the last few months have produced this rapid turnaround:

U.S. semiconductor makers are mass producing devices that combine all of a calculator's electronic circuits on one tiny semiconductor chip. This is driving the retail price of a calculator below \$100, a point at which a mass consumer market will open up for the first time.

U.S. calculator makers have pushed assembly time down to as little as 15 minutes per machine. This wipes out the Japanese manufacturers' biggest cost advantage: low labor rates.

The Japanese makers are stuck with huge inventories of last year's costlier models, and they are confused about how to compete in the radically changing U.S. market. Some of them are likely to set up U.S. assembly operations in the U.S., but most have not made their decisions yet.

The market is polarizing into a mass market for the low-cost consumer units selling through retail stores and a higher-priced market for complex technical and programmable models whose suppliers emphasize service.

A horde of newcomers is moving into the industry. Because labor costs and parts prices have been pushed down so far, just about anyone can put together an "all-American" calculator today for about \$40. But competition for the low end of the market is intense, and margins are shrinking fast.

At stake in all this is a U.S. market worth \$300-million to \$400-million a year—and one that is expected to grow by at least 10% to 15% a year. Growth will be far larger if the mass consumer market for calculators develops as expected.

#### TURNABOUT

But it is the U.S. share of the market that has everyone in the business excited. "We expect U.S. companies to get 70% of the calculator market in the next few years," says Leigh Brite, president of Eldorado Electrodata Corp. That would give U.S. producers the same share that Japanese makers held last year. Charles Kovac, marketing vice-president of North American Rockwell Microelectronics Co., the largest supplier of calculator circuits, looks for U.S. producers to capture the dominant market position from the Japanese this year, and he is convinced that the mass market for low-cost machines will develop in 1972.

Domestic producers built only 175,000 of the 800,000 machines sold in the U.S. last year, Kovac estimates. This year, he says, sales will jump to 1.5-million machines, and the U.S. will build 950,000 of them. Nearly half of the total, or about 700,000, will be low-priced models, says Kovac, and 500,000 of these will be U.S.-made.

NOW THERE ARE TOO MANY JAPANESE PRODUCERS, CRUSHED BY A HIGH-COST INVENTORY

It is too soon to tell just who will gain the most from the growing U.S. slice of the calculator business. Some oldline office equipment makers are trying to adjust: Monroe is building more of its own calculators in South Carolina and Burroughs Corp. is beginning to build its own machines in France. But the polarization of the business puts the squeeze on them. The low-overhead assemblers selling direct to retailers are likely to dominate the consumer market and eventually take over more of the office calculator business, while the more complex machines will demand new skills in customer applications and support.

But whoever gains most, the current upheaval is a dramatic change from the past, when the Japanese, with the help of a U.S. invention—the transistor—ran away with the American market for radios and black-and-white TV sets. By 1970, the same fate had befallen the calculator business. The key to the electronic calculator is the U.S.-developed metal-oxide-silicon (MOS) solid-state

technology. With large-scale integrated circuits (LSIs), producers can cram thousands of transistors into a silicon chip just one-tenth of two-tenths of an inch square. Using these chips, which they bought from U.S. suppliers, the Japanese killed the U.S. electromechanical calculator industry in just a few years.

Now the Japanese are caught in a squeeze. There are too many Japanese producers, with too much capacity. Their labor costs are rising, and the realignment of currencies puts them at an even greater disadvantage in the U.S. market. The gain made by American producers in cutting the labor in assembly of calculators compounds their problems.

#### INVENTORIES

Hanging over the Japanese are huge inventories that started building up last fall. There are probably about 2-million machines—more than a year's supply—in worldwide inventory. The shadow of this inventory is even blacker because new machines are coming on the market at less than the wholesale price of the calculators that the Japanese have in the warehouse. Sharp Corp., which had been turning out 40% of the Japanese calculators cut its production last fall by 40% to 40,000 units a month, says Kanji Ishii, a director of the company.

The competitive environment has changed, too. "American companies have caught on and are scrambling for a piece of the market," says NR Microelectronics' Kovac. "Our circuit makers and calculator manufacturers are talking to one another now, whereas in 1969 only the Japanese were interested in making the investment." The U.S. producers are also selling directly to retailers and taking much lower margins. "If the Japanese manufacturers want to sell here, they'll have to manufacture here," says Earl Gregory, vice-president of Electronic Arrays, Inc.

One Japanese producer is already assembling calculators in the U.S. In a joint venture with a U.S. group called Omron Systems, Inc., Omron Systems is making 10,000 calculators a month in plants in Mountain View, Calif., and Tijuana, Mexico. Others may follow. "They're all talking about it," says Bernard Jacobs, president of Omron Systems.

#### OPENING A LEAD

Only a couple of years ago, before U.S. solid-state circuit technology began its latest spurt, many people predicted that the Japanese would soon close the gap. Today, though most knowledgeable observers believe that the U.S. producers still have a two-year technological lead over the Japanese and that the chances of holding it are good.

The U.S. began this jump when Mostek Corp. announced a year ago that it was producing a single LSI chip containing all the logic circuits for a four-function, 12-digit calculator. By fall, Texas Instruments had its single-chip calculator circuit in production, and half a dozen companies had already designed calculators to use it. TI was then quoting a price of under \$20 apiece for large orders. Last year, Sharp was paying an estimated \$40 for four chips that did essentially the same job in its most popular machines.

Prices have fallen fast. One manufacturer is now paying about \$10 each for the TI chip in quantities of 100,000. He expects the price to sink to \$5 by the end of the year.

The price slide may dissuade the Japanese from spending heavily to make their own MOS/LSI calculator chips. "Prices have eroded so much that at this point it is not too attractive to get into the market," says Berry Cash, Mostek's marketing vice-president. "The Japanese have barely started producing their own calculator circuits in quantity," he says, "but we're down the learning curve."

#### PRICE WAR

The newcomers to the calculator business are also under intense price pressure. "The

low end of the market is suicide," says Jerry Wasserman, who follows the calculator business for Arthur D. Little, Inc. "The \$100 calculator," he adds, "is going to drive more companies into bankruptcy than you can shake a stick at."

#### STORES ARE RACING TO BE FIRST WITH A BATTERY-MODEL CALCULATOR FOR HOME USE

Some have had a taste of trouble already. Last fall, a small New Jersey outfit called Ragen Precision Industries, Inc., agreed to deliver 20,000 pocket calculators for \$75 each to Alexander's, the New York department store chain. Deliveries were to start in mid-January, and the store was going to retail the units at \$100. Alexander's does not have its calculator yet, and Ira Lopata, Ragen's president, says that production was delayed seven weeks because his company had to completely rework one of the two logic chips. Competitors had been dubious about the deal because, as one of them says, Ragen "picked two undeveloped technologies"—liquid crystal displays and complementary MOS circuits.

But Alexander's still wants to be first to sell a battery-powered pocket calculator with keyboard for under \$100, and late this month it will start retailing a model somewhat similar to the Ragen unit. The supplier, Rapid Data Systems & Equipment, Ltd., of Toronto, was virtually unknown until last week, when several stores announced they had ordered its first calculator. Over the past month, Rapid Data has shown its machine to only a handful of retailers, yet by last week the company had \$7-million worth of orders. Alexander's will buy 20,000 at \$62.50 each. Montgomery Ward & Co. has signed up for \$3-million worth.

#### ON THE MARKET

Rapid Data is buying all parts for the units from U.S. suppliers, and has driven some hard bargains with them. A \$10 price for a single-chip circuit was too much for him, says Ralph Data's President Clive Raymond. "We got a better price from Mostek," he notes. Litronix, Inc., a small but fast-growing California company, is supplying the eight-digit, solid-state light-emitting diode display for close to \$1 a digit, less than one-fifth what it would have cost a year ago. Rapid Data is in production and plans to deliver 80,000 calculators by June.

The only other battery-powered pocket calculator now selling for \$100 is in Alden's spring catalogue. It is made by Litton Industries' Monroe Div. at a plant in Lexington, S.C., for the Royal Div. However, it uses a stylus and entry board instead of the usual pushbutton keyboard and, because of this, it has met some buyer resistance. Alexander's, for instance, tried the machine but did not order it.

Sears, Roebuck & Co. says it is holding off ordering a small machine to bear a Sears brand name until there is less "chaos in the industry." But word in the calculator business is that Sears will start getting deliveries of a new low-cost calculator in July from NR Microelectronics. Kovac of the NR division says only that "we think we will sell 250,000 liquid crystal displays" for consumer calculators, this year. But another NR official adds: "We're selling the displays as part of a calculator for which we have large-volume orders for 1972 delivery."

#### IMPACT

The new solid-state technology is having its greatest impact right now on these low-cost calculators, but it will soon start influencing the design—and the price—of the bigger machines that have built-in memories or printers, or can be programmed for various jobs. Some of the newcomers to the business are talking of building calculators with memories for less than \$200 by next summer. Rapid Data plans to start showing prototypes of a printer-calculator in about a month, and Raymond asserts that the

machine will sell for \$250 when it goes on the market later this year.

Some of the big, old-line calculator makers—the ones that originally ignored the inroads of the Japanese—have their doubts about such claims. "I'll believe it when I can buy one," says an official of one of these companies. But by then it may be too late for him to counterattack.

Mr. CURTIS. Mr. President, since these hearings on March 14, two other items have appeared in Business Week describing how America is forging ahead in markets previously dominated abroad thanks to new technology. One of them is intriguing because of its title, "Swiss Watchmakers Buy American"; the other shows how America may once again be a strong producer of watches for the mass market.

I ask unanimous consent to have these two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

#### SWISS WATCHMAKERS BUY AMERICAN

Watchmaking could be the next market where U.S. technology helps rebuild business lost to other countries over the years. Solid-state electronics, which is helping the Americans regain a dominant position in calculators, now holds promise for watches.

The Swiss watchmakers, who still dominate the worldwide market, have been working hard to develop electronic watches in competition with the U.S. and Japanese models that are already available. Next month at the Basel Fair, several Swiss watchmakers will be introducing all solid-state digital watches. But their electronic "movements" will come from a small Princeton (N.J.) company—Optel Corp.—and the Swiss will end up building just the cases.

Optel says it has \$10-million in orders to produce more than 250,000 movements from seven companies, including the Swiss firms of Société des Garde-Temps, which owns Waltham Watch Co., and Omega, Glycine & Althus, and Buttes. Waltham will announce its watch next week.

The new watches, which display the time with four numbers instead of the traditional hands, will retail at \$150 to \$200 and will begin appearing in U.S. and European stores by late summer.

Optel is gearing up for full production by July and expects to deliver between 20,000 and 100,000 movements by yearend. Its movements consists of low power complementary mos integrated circuits, a quartz crystal time base, and a liquid crystal four-digit time display. Optel developed and is building the liquid crystal watch face, and it is buying the circuits, which it designed, from several U.S. semiconductor companies.

#### THE MARKET

"Digital readouts are not going to replace the conventional analog watches entirely," says Zoltan J. Kiss, Optel president. But he figures they should gain a "substantial portion" of the worldwide business, estimated at \$3-billion annually.

Electronic watches account for only a tiny fraction of the 170-million watches now being sold annually. But, they "are getting about 90% of the attention," claims John Bergey, director of research and development for the Hamilton Watch Co., whose \$2,100 Pulsar wristwatch is just getting into distribution this month. Introduced last December, the Bulova Watch Co.'s \$395 Accuquartz has a quartz crystal base, with traditional hour, minute, and second hands driven by a tuning fork. A full line starting at \$250 will be offered later this year.

Major U.S. companies have been studying the digital liquid crystal display watches, but

none has announced plans to introduce one. The Swiss-based Ebauches Electronics also will put out an electronic watch with a digital display later this year, and so will Japan's Seiko, using technology similar to Optel's.

#### THE QUALITY

The biggest problem in liquid crystal display development has been a maximum life of 10,000 hours. Optel says it has gotten around this by using a hermetic seal, preventing moisture and chemical contamination. It has also overcome another liquid crystal problem—an electroplating effect causing discoloration. The company gives an 18-month guarantee on the digital display to the watch companies, which in turn will provide the traditional one-year warranty to customers.

By combining its liquid crystal display with the complementary MOS circuits, Optel has minimized power consumption to a point where a standard battery will last for one year. Hamilton's Pulsar is also guaranteeing one-year battery life, but its light-emitting-diode display requires more power and the one-year life depends on the watch owner's pressing a button to light the display 25 times a day.

Electronic watches offer far greater accuracy than traditional mechanisms. Optel says its watch will be set to an accuracy of 15 seconds a year. Bulova's Accuquartz is listed at a one to two seconds a week accuracy, while Hamilton's Pulsar has a five-second-a-month guarantee.

#### ELECTRONIC WATCHES FOR THE MASS MARKET

The worldwide watch industry is on the brink of a radical shakeup, and what will cause it is the arrival of the solid-state electronic watch priced for the mass market. Semiconductor integrated circuits and a quartz crystal make up the works of these watches, and a liquid crystal digital display takes the place of conventional hands. What makes their impact on the market so formidable is that all of their parts can be mass produced and the labor cost of assembling them is minimal. By 1975, it may be possible to put together the new watches for about \$10.50 each—and to retail them for less than \$50.

All the new technology is coming from U.S. electronics companies. It has started to stir up the conservative, slow-moving watch industry, and within the next couple of years it may reshape its whole structure. The Swiss, who make the bulk of the world's watches and who until recently dismissed any threat to their mass market, are doing a swift aboutface. This week, at the big watch fair in Basel, the Swiss introduced the first solid-state watches with liquid-crystal displays. But the major parts, and in most cases the entire works of the watches, were made in the U.S.

Electronic watches of all types are likely to take over most of the U.S. market by the end of the decade, and the U.S. is the biggest single market for Swiss-made watches. Thus, the Swiss watchmakers will have to revamp their industry—or risk losing much of the business to U.S. electronics producers. The Swiss companies would have little hope for the long run if they were to import U.S.-made electronic movements, add a case to them, and re-export them under their own brand names.

Some U.S. electronics companies may also plunge into the watch business themselves, making complete watches and selling them to retailers. That should throw the traditional U.S. watchmakers into an uproar, too.

#### DO SOMETHING FAST

To turn out the solid-state electronic watch that it displayed this week at Basel, Ebauches S.A., the giant Swiss watch components maker, had to go to Texas Instruments, Inc., for the digital display and integrated circuits.

Says one U.S. electronics maker: "The pressure was on Kurt Hubner [technical head of Ebauches Electronics] to do something fast."

Eight other Swiss watchmakers got the entire works for the solid-state models they showed at the fair from Optel Corp., a small Princeton (N.J.) company. And one of them will even assemble watches for the U.S. market in St. Louis.

Japanese watchmakers may face the same kind of problem as the Swiss. Japan's top watch producer, Seiko Watch-K. Hattori & Co., said earlier this year it would have a solid state digital watch ready to sell at less than \$400 by this fall. But U.S. electronics producers are supplying the circuits and displays for these, and they say that the Japanese company is still six to 12 months away from production.

U.S. watchmakers are trailing the Swiss in announcing their own solid-state digital watches, though they have been busy with other electronic models that use a quartz-crystal time base. Bulova Watch Co. has small quantities of its Accuquartz on the New York City market, selling for \$395, and expects to have a \$250 model ready for nationwide sales by yearend. Timex Corp., after talking about it for three years, is finally selling its quartz-crystal watch with a pin-lever mechanism for \$125.

But the new solid-state watches promise to bring prices far below any of these. Says Victor K. Kiam, president of Benrus Corp.: "They could be a golden opportunity for U.S. watch companies." And Larry Prigozen, president of Elgin's Time Products group, expects the result will be "some reversal of watchmaking back to the U.S. in the next year or two." Today, half of the watches sold in the U.S. are imported, and only a minuscule number of U.S.-made watches are exported.

Their predictions, though, are cautious compared to the shifts in the world market foreseen by the dozen or more electronics companies now making solid-state watch circuits and displays. "There's no question" that the U.S. will gain a large part of the world's watch component business as a result of the new technology, says Henry J. Boreen, chairman of Solid State Scientific Devices Corp. His company is working with Swiss and Japanese, as well as domestic, watchmakers on the circuits. Boreen predicts that the solid-state watches will "put 50,000 Swiss out of work."

#### STARTING TO SHIP

Aside from Optel, Microma Universal, Inc., of Mountain View, Calif., also is selling complete "movements" (the solid-state watches actually have no moving parts) to watchmakers. "There's a chance for an American company to become the Ebauches" of the electronic watch business, says Microma's marketing director, Donald Rogers. Switzerland's Ebauches is now the world's largest maker of watch components, but, says Rogers, "no watch company" will dominate in electronics.

Optel will ship the first production runs of its solid-state movements in July, and claims orders for 250,000 movements worth \$10-million.

Waltham Watch Co., owned by Swiss watch companies, will use the Optel movement in its Walchron watch, which will be in national distribution by the end of the year, priced at about \$185. Microma says it will ship its first 1,000 movements to a U.S. watch company by early summer, and expects that it can build more than 25,000 of them this year.

Motorola, Inc., though not assembling units, is selling kits of the major parts to producers who believe consumers will want electronic watches with conventional faces, not digital displays. The first watch on the market using a Motorola kit is a \$250 model made by Swiss-based Girard Perregaux. Mo-

torola is making only small quantities of the kits now, but it may get the price below \$20 if it can sell them in large quantities.

#### NEWCOMERS

The semiconductor makers like to point out the similarities between the electronic watch and the electronic calculator. Japanese producers took away the calculator market in the late 1960s by using low-cost labor to assemble U.S. made integrated circuits. But calculator production is returning to the U.S. because new American technology has vastly reduced labor content, wiping out the Japanese advantage. And the bulk of the reborn U.S. calculator business is winding up in the hands of industry newcomers. Whether this happens with electronic watches "depends on how aggressively the major companies pursue their opportunity," says Gene McFarland, IC marketing manager at Texas Instruments. "If they don't, small companies may get the business," he adds.

Microma is out to test that idea. It will announce in June that it plans to put a case around its solid-state movements and sell a complete watch to retailers, with a suggested tag of \$125.

John Bergey, research director at Hamilton Watch Co., agrees that some electronics companies will try to break into the business, but he feels they will succeed only if they can get the retail price under \$70. Benrus' Kiam says the private-label watches would run up against the watch companies' brandname advantage.

While nearly all of the watch industry is now pretty much agreed that electronic quartz watches will take the market away from mechanical movements once they become price competitive, there is a split on whether consumers will accept the digital display. Bergey sees rapid acceptance because of the large number of digital clocks being sold. He predicts that by 1980 "virtually all electronic watches will be digital because solid state will be the cheapest way to go."

#### SAFEGUARDING THE LOWER ST. CROIX RIVER, MINN. AND WIS.

Mr. MONDALE. Mr. President, the lower St. Croix River, bordering Minnesota and Wisconsin, has received national acclaim for its outstanding natural qualities. It is one of the few remaining unspoiled rivers located near a large metropolitan area. But this beautiful stretch of water is in immediate danger of being ruined by uncontrolled commercial exploitation.

The Senator from Wisconsin (Mr. NELSON) and I introduced a bill (S. 1928) to save the lower St. Croix River from irreparable destruction by designating it a component of the National Wild and Scenic Rivers System. For more than 8 years, Congress has been actively considering such designation for the lower St. Croix. The Senate passed legislation on two occasions in the past which would have established a lower St. Croix National Scenic and Recreational Riverway. However, enactment by the House, was deferred pending the findings of a joint Federal-State-local task force created to determine the suitability of the river for such designation. The task force completed its report last October and concluded that the lower St. Croix met every criteria for Federal protection.

A large bipartisan coalition of public officials in Congress and in the States of Minnesota and Wisconsin have enthusiastically endorsed S. 1928. It has the

support of local residents and environmental groups who understand that this is the only workable means to safeguard the river.

It therefore came as a shock to everyone concerned with the river, when the Department of the Interior announced at an April 14 Senate hearing that it would oppose this essential measure. The Department's report contradicted the findings of the joint study team and disputed the authoritative recommendations of State and local government officials. Since Interior's position was presented in a brief written statement delivered to the committee just a few minutes before the hearing began, many of us are anxious to obtain an explanation for this negative stance, and a reconsideration of the bill in light of the persuasive evidence for congressional enactment.

But people in Minnesota are more convinced than ever, that the Senate and House of Representative should not delay implementation of the proposal. Local residents, State government officials, local public agencies and conservation groups are urging swift congressional approval of the bill.

Letters have been pouring into my office since the April 14 hearing, reaffirming the extraordinary public support for action by Congress to preserve the lower St. Croix. People from Minnesota are also writing to officials at the Interior Department and to the Senate Interior Committee pressing for affirmative steps to save the river.

I would like to share with Senators a small sample of the correspondence I have received on this issue. It is persuasive evidence of the support for moving ahead now toward a favorable vote on S. 1928.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,  
HOUSE OF REPRESENTATIVES,  
April 12, 1972.

HON. WALTER F. MONDALE,  
U.S. Senate  
Washington, D.C.

DEAR SENATOR MONDALE: I am writing in regard to the hearings before the Senate Interior Committee relative to the Lower St. Croix National Scenic River Bill, which is to be heard on April 14.

It is obvious to those of us in the Metropolitan area of Minnesota that private development along the beautiful St. Croix River is a real and immediate threat to the recreational and scenic value of that area and to the Metropolitan area of Minnesota. In the strongest possible terms, I want to urge you to have this bill approved by the Interior Committee without further delay so that it may receive approval by the full Senate in the near future. I know that your sentiments are the same, but I hope that all others concerned on the committee will be aware of this real threat.

I hope that the form of this bill will also include such matters as regulations of the size of boats and motors and provide for supervision of such regulations. There is considerable bank erosion in this river which could cause it to be unusable, even for recreational purposes, if this trend were to continue. Likewise, there is an increasing use

of the river by canoeists, swimmers, and fishermen, whose safety and enjoyment is diminished and even threatened by large power boats using the river.

I believe that federal legislation would be most appropriate, inasmuch as this is an inter-state river, in order to come to grips with these matters as well as preserving the scenic and recreational values of the river.

If there is anything further that you feel the residents of this area can do in order to see that this bill is adopted into law, I hope that you will let me know.

Yours very truly,

FRED C. NORTON,  
State Representative.

STRAUS KNITTING MILLS, INC.,  
St. Paul, Minn., April 19, 1972.

HON. WALTER F. MONDALE,  
U.S. Senate, Washington, D.C.

SIR: Recently there was an Editorial in the Minneapolis paper concerning opposition of the U.S. Interior Department to designate the Lower St. Croix River as part of the National Wild and Scenic Rivers Systems.

A spokesman for the Interior Senate Subcommittee said the Lower St. Croix River does not possess "unique, nationally significant" characteristics. He suggested that the 52 miles from Taylors Falls to Prescott can be protected adequately by the States and by Local Units of Government.

Right now a proposal is before the city of Hudson, Wisconsin by private developers to put up high rise apartments.

I am not convinced that the local municipalities are capable of avoiding the economic pressures of private developers.

I ask you to do everything in your power to enlist the aid of your colleagues to protect this river in its natural state as it is one of the most beautiful recreational areas in the whole country.

With best wishes, I am  
Sincerely,

ANTHONY M. STRAUS,  
General Manager.

STATE OF MINNESOTA,  
OFFICE OF THE GOVERNOR,  
St. Paul, Minn., April 19, 1972.

HON. WALTER F. MONDALE,  
U.S. Senate, Washington, D.C.

DEAR FRITZ: Enclosed is the testimony presented for me by Robert L. Herbst, Commissioner of the Department of Natural Resources, on April 14, 1972, before the Senate Committee on Interior and Insular Affairs, Subcommittee on Public Lands, concerning S.F. 1928, the Lower St. Croix Act of 1971.

It is apparent that the U.S. Department of the Interior opposes our position on adding the lower 52 miles of the St. Croix to the Scenic River Waterway System. The States of Minnesota and Wisconsin are in complete agreement on the necessity of adding this portion of the river to the portion already designated as part of the Scenic River Waterway System. Your support of our efforts to convince the Interior Department of the value of our proposal will be much appreciated.

With warmest personal regards.

Sincerely,

WENDELL R. ANDERSON.

LITTON E. S. FIELD.

Saint Paul, Minn., May 1, 1972.

WALTER F. MONDALE,  
U.S. Senate, Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR MONDALE: We strongly urge that the St. Croix River be kept in its natural, scenic state rather than to be unprotected and overrun by commercialism and real estate developments, etc., which will surely be inevitable should the department oppose inclusion of the Lower St. Croix.

This area is one of the very few scenic spots left in the Eastern Minnesota-Wisconsin region that is appealing and enjoyable for residents of the area, as well as for weekend sightseers.

I strongly oppose the actions taken by Harrison Loesch and hope and trust that my feelings are shared by the majority and that the Lower St. Croix may be saved.

Respectfully yours,

LITTON E. S. FIELD.

SCANDIA, MINN., April 20, 1972.

SECRETARY OF INTERIOR,  
Department of the Interior,  
Washington, D.C.

DEAR MR. SECRETARY: Read in the St. Paul Pioneer Press, 4/15/72, of the decision by your department not to set aside the lower half of the St. Croix River (located on the Wisconsin-Minnesota border) for protection. Am very disappointed with this decision as I feel the only way to save its scenic beauty, natural resources, and recreational facilities is to protect this area NOW!

As a resident of Scandia, Mn., a community located on the lower St. Croix, I feel quite confident when I say there is much natural scenery here worth saving. I was born in Polk County, Wisconsin, and as a child a special favorite of mine was picnicking, hiking, and swimming in the Interstate Parks at Taylors Falls and St. Croix Falls. Especially nice were the boat rides through the Dalles and exploring the unusual rock formations.

Since then I have spent many enjoyable hours swimming, fishing, boating, and canoeing on the river in the Osceola, Ws., and Hudson, Ws., areas, never ceasing to be amazed at the relaxed and leisurely pace of the river as it flows between its majestic banks which harbor so many unique rock formations and quiet forests. It seems a shame if the hills surrounding the river basin should ever lose their lovely green splendor in summer, or their brightly hued magnificence of autumn (which is the highlight of the entire year) or their gleaming white, icy elegance of winter. They are comparable to the Cumberlands of Tennessee and the Ozarks of Missouri.

As far as the historical significance of the lower half of the St. Croix River is concerned, the following two volume publication might point out additional information on this subject: Easton, A. B., editor: *History of the St. Croix Valley*, Cooper, Chicago, 1909.

I hope that my letter will help influence you to re-evaluate this decision and that sometime in the near future the lower St. Croix will be part of the same protected area as the upper St. Croix.

Very truly yours,

MRS. CARL RASMUSSEN.

MINNESOTA CONSERVATION FEDERATION,  
Hopkins, Minn., April 19, 1972.  
Assistant Secretary HAROLD LOESCH,  
U.S. Department of the Interior,  
Washington, D.C.

DEAR MR. LOESCH: The Minnesota Conservation Federation has long supported state and federal studies and recommendations leading to the designation of the St. Croix River from its source to its confluence with the Mississippi as a wild and scenic river.

The effort was taken by the Minnesota Conservation Federation to preserve and protect the environmental and aesthetic characteristics of this pristine stream for future generations.

Three agencies of the U.S. Department of the Interior and the states of Wisconsin and Minnesota have recommended such designation to the Secretary of the Interior. Senator Mondale introduced legislation to establish its designation as a wild and scenic river.

On April 14, Assistant Secretary of the Interior Harold Loesch announced that the De-

partment of the Interior has withdrawn its support of this designation.

This was done arbitrarily without prior counsel with state, citizen, and Congressional groups supporting such designation and in apparent opposition to three U.S. Department of the Interior agencies which have recommended such designation.

The Minnesota Conservation Federation now asks for an immediate Congressional investigation of the Department of the Interior's unilateral and arbitrary action in withdrawing its support; and that the investigation provides for public hearings in Minnesota and Wisconsin at which time any and all citizens, groups, and agencies interested in the future use and wise management of the lower St. Croix may appear and make their views known.

Sincerely,

AL FARMES,  
Chairman, Legislative Committee.

APRIL 10, 1972.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: Thanks for your letters of December 15th and April 3d relating to the St. Croix River.

As a lifetime resident of Minnesota, a Senior Citizen, and a long time member of that enthusiastic group of St. Croixites, I am writing to urge your continued and strong support of the efforts to include the lower St. Croix in the National Wild and Scenic Rivers System.

I want this beautiful stretch of waterway to be seen and enjoyed by future generations of potential lovers of the St. Croix. I hope we meet with success on this most important environmental venture.

Thank you for your efforts.

Sincerely yours,

LOUISE W. GILFILLAN.

#### SLOPPY JOURNALISM

Mr. McGEE. Mr. President, this morning's Washington Post contains an interesting article entitled "A Case of Sloppy Journalism."

The author is Russel Nye, a professor of English at Michigan State University. Mr. Nye's article deals with his efforts since 1968 to determine, through the media, how many war resisters had fled this country to seek refuge in Canada.

The author noted that over a 2-year period newspaper and television reports on draft evaders and deserters in Canada had varied from 10,000 to 100,000. He further noted that this was "a margin of error that ought to have stirred a twinge of doubt in some newspaperman's breast somewhere. Most striking in the stories was the almost complete lack of plain legwork."

I think Mr. Nye's observations concerning this particular area of reporting raises some poignant questions about the quality of journalism we in this country are confronted with, at times. Such incidents demand that the media do a little "soul-searching" in an effort to live up to the responsibilities that come with our first amendment guarantees.

I ask unanimous consent that Mr. Nye's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 1972]

# A CASE OF SLOPPY JOURNALISM

(By Russel B. Nye)

When it comes to facts, I have never really trusted newspapers very much. A youth spent in what Colonel Robert R. McCormick used to call "Chicagoland," reading the *Tribune*, and 25 years of historical research have convinced me that newspapermen are highly fallible sources of information. When I heard Martin Nolan of *The Boston Globe* remark confidently on television (October 24, 1971) that there were "over 50,000 war resisters in Canada," I thought he might really know. The figure seemed to me important, so I wrote to Nolan, asking his source.

Nolan's reply was not helpful. He cited James Reston Jr. who had used the 50,000 figure in *The New Republic* without attribution. Newspapermen quoting other newspapermen arouse my suspicion, so I thought I'd look it up, especially when that 50,000 began turning up all over the media.

I began in 1968. That year a writer in *The Progressive* thought there were "at least 10,000 draft evaders in Canada. *U.S. News and World Report* gave estimates varying from 300-400 to 25,000. Edmund Taylor, in a well-researched article in the soon-to-be-defunct *Reporter*, cited a *New York Times* estimate of 4,000; another by a Toronto anti-draft group of 10,000; and Canadian press estimates of 14,000 up. *The Atlantic*, using the Toronto group's figure, came up with 3,000-10,000.

In 1969 amazing things happened. The *New York Times* in April settled for "several thousand" draft evaders in Canada. In December, however, it raised that to 60,000 on the basis of estimates from the Toronto draft-resisters' group—a number soon to be enshrined in the American press. That the figure represented a spectacular increase of 56,000 over the 1968 news report bothered nobody at the *Times*, while CBC's "Public Eye" program, perhaps carried away by the *Times*, also estimated 60,000.

In 1970 things settled down a bit, but not for long. The *Times* shifted its estimate to 6,000-60,000 (a delightfully flexible figure, I thought) as well as quoting an "independent estimate of 20,000." The Toronto group (which used 10,000 in 1968) now placed the number at 60,000 (the *Times* again?) which other papers dutifully printed. Stewart Alsop, in *Newsweek*, fixed for no discernible reason on 25,000-30,000. Roger Williams, of the Toronto group, used the *Times'* 60,000 but insisted that "qualified observers" calculated "many more than that." (This seemed to me an interesting situation, in which draft evaders in Canada quoted the *Times* which quoted draft evaders in Canada.)

Vance Garner, of the Montreal Resisters' Council, entered the field with a statement that there were 14,000 draft-age landed immigrants "here now," a figure I found impossible to derive from any known Canadian immigration reports. He escalated things further by claiming that there were actually "three to four times that many 'illegally' in Canada, i.e., 42,000-56,000. A staff worker for the Clergy and Laymen Concerned About Vietnam told the press that there were 60,000 draft evaders in Canada (once more the *Times*), a figure which included 30,000 in Toronto alone.

The year 1971 was wilder. *Newsweek* cited 50,000-70,000, doubling what their man Alsop said a year before. *Parade*, apparently quoting the Clergy and Laymen group, said there were 30,000 in Toronto. The Toronto *Globe and Mail*, for its part, chose 30,000-100,000. Mike Wallace on "Sixty Minutes" used a new Montreal Resisters' estimate of 100,000, noting that it was perhaps inflated, but offering no alternative. Nolan, citing Reston, and Reston, citing nobody, said "over 50,000."

The most curious statistics of 1971, however, appeared in Rogers Williams' book, *The New Exiles*, which had few footnotes and no bibliography. Williams on different pages cited both 40,000 and 60,000 (the *Times* again!) for 1970. On another page he put the number in mid-1967 at 5,000-6,000, representing an increase of 34,000-55,000 in less than three years, certainly one of the least-noticed mass migrations in modern history. On two other pages he reported 25,000 evaders and deserters legally in Canada, and on yet another page, by adding wives and children, he got the number (legal or illegal?) to 50,000-60,000. Finally, at the close of his study, he increased this to 50,000-100,000.

1972 may be a banner year for inflation. *Newsweek* led off in January with "75,000, mostly in Canada," while David Brinkley, with oracular finality, made it 75,000-100,000. Senator Robert Taft, in an interview given to *The Los Angeles Times* news service, estimated there are "about 20,000 of these men in Canada." Since Senator Taft, who has initiated legislation, and Brinkley, who was commenting on it, differ by 55,000-80,000, the variance seems significant. They can't both be right.

In January, Gannett News Service used the figure "60,000-100,000," which strikes me as having a generous margin of built-in error. In February, UPI settled on 70,000. The last four references I have seen in January and February, 1972, choose 70,000.

What emerges from all this, and I have not by any means exhausted examples, is clear evidence of extremely sloppy journalism. Newspaper and television reports on draft evaders and deserters in Canada have, over those two years, varied from 10,000 to 100,000, a margin of error that ought to have stirred a twinge of doubt in some newspaperman's breast somewhere. Most striking in the stories was the almost complete lack of plain legwork. I found no journalist who had consulted easily obtainable Canadian immigration figures, and with one or two exceptions, none who had researched the realities of Canadian immigration laws. One cannot, as Alsop wrote, simply walk across the Canadian border and "fade into the economy," or, as *Newsweek* misleadingly implied, gain landed immigrant status simply by asking at the border. Canadian embassy and consular sources that have no ax to grind will, if asked, estimate about 10,000 American draft evaders in Canada (about the same number of Canadians have volunteered for the U.S. Army), but nobody asks them.

As for me, I trust the press no more than before, nor do I have any more information than before. I don't know how many draft evaders there are in Canada or elsewhere, but in the light of the growing debate over amnesty, I'd like to know as accurately and honestly as possible.

## PRESIDENT NIXON OFFERS ENEMY GENEROUS TERMS

Mr. BROCK. Mr. President, the President has offered the enemy generous terms if they will end the war peacefully. He has made it very easy for them to walk that path.

What is new in his policy is that he has made it harder for them to pursue the course on which they have been traveling, the course of force.

The choice is clear: confrontation or negotiation. The choice now is theirs to make.

There is a choice for us, as well. The world is watching to see whether the American people will give their President the united support which is the surest way to lasting peace.

I believe the American people will come through again, as they always have come through in the past—by expressing their support in a way which no other country can possibly misunderstand.

## REVENUE SHARING

Mr. BAKER. Mr. President, on April 26, 1972, the Committee on Ways and Means of the House of Representatives reported H.R. 14370, the State and Local Fiscal Assistance Act of 1972. The bill would return to State and local governments certain federally collected revenues, to be used by those governments for general purposes.

The distinguished Senator from Minnesota (Mr. HUMPHREY) has long been among the most articulate and persuasive proponents of revenue sharing. I also have advocated the concept of revenue sharing for many years, and I am the principal sponsor in the Senate of S. 680, President Nixon's general revenue-sharing proposal.

Senator HUMPHREY and I have agreed that it would be a constructive gesture on our part to introduce in the near future, as a Senate bill, the bill reported by the Ways and Means Committee. While each of us might have some individual reservations about parts of that bill, we believe that the bill should formally be before the Senate. Senator HUMPHREY and I intend to address letters to every Senator, soliciting their cosponsorship of the bill. As soon as we have received responses from those letters, we will introduce the bill.

We strongly believe that who authors revenue sharing legislation, or which political party gets any credit that might accrue, is secondary to providing the fiscal relief necessary to the hard-pressed States, counties, and cities of this land.

## A CONGRESSIONAL INVESTIGATION OF THE SUNSHINE MINE DISASTER IS CALLED FOR

Mr. CHURCH. Mr. President, the recent fire at the Sunshine Mine in Kellogg, Idaho, has been in national news for a week.

We know that 18 bodies have been brought out of the mine. Seventy-five men are still unaccounted for. An undetermined number of those 75—press reports indicate at least 17 more, or a total of 35 men—are known dead, but rescuers have been unable to bring their bodies out of the mine. With each passing moment the hopes for the other missing men dwindle. It is a tragedy of immense proportions.

Governor Andrus of Idaho was on the scene personally immediately and made all the facilities of the State government available. He has asked the President of the United States that a disaster designation be declared for the Kellogg area, a request which I fully support.

There is no way that we can bring those who are dead back to life. There is no way we can assure the safe return of those still missing. We can, however, give the closest study to why this disaster happened.

I have recently written to the distinguished chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS) and asked that a full congressional investigation of the Sunshine disaster take place. We should find out why this disaster happened, what changes may be necessary in our mine safety laws and in enforcement procedures of the Bureau of Mines. The Senate should do all in its power to assure that a disaster of these proportions does not happen again.

I grieve with the wives and children of those miners who have died. I join in the prayers of all Idahoans for the safe return of those still trapped, and assure them that I will do everything possible to see to it that the Sunshine Mine disaster is fully investigated by the Senate of the United States.

Mr. President, I ask unanimous consent that my letter to Senator WILLIAMS, Governor Andrus' telegram to President Nixon requesting disaster area designation, my letter to President Nixon supporting Governor Andrus' disaster-area designation request, and newspaper articles describing the Sunshine fire be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TELEGRAM TO THE PRESIDENT REQUESTING A  
DECLARATION OF A MAJOR DISASTER

PRESIDENT RICHARD M. NIXON,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: Idaho's people deeply appreciate your personal expression of sympathy and concern for the continuing tragedy at the Sunshine Silver Mine in Northern Idaho.

To insure that the full spectrum of federal assistance is made available, I respectfully urge that you make a Declaration of a Major Disaster for the Ocoeur d'Alene Mining District, Shoshone County, Idaho.

The following information is submitted to support this request:

A severe fire of unknown origin, and at this time in an unknown location in the nation's largest silver mine has taken the lives of thirty-two miners. The fate of another fifty miners still trapped within the maze of tunnels is unknown. The welfare of all people affected by the fire is of major importance to Idaho.

State and local, as well as private resources, are committed to their maximum extent. Resources of neighboring states have also been committed in an attempt to overcome this disastrous situation.

Damages to private property involved cannot be estimated at this time. Impact on the entire area could be and would be disastrous if the findings of specialist teams now at the scene are such that closure of the mine was mandatory. The Sunshine Mine is a major source of income for the area and the local economy would be shattered by a closure order at this mine.

All state and local government resources capable of providing assistance will continue to be utilized.

Pursuant to Section 1710.31, Federal Disaster Assistance Regulations, I certify that the total of expenditures, obligations and resources utilized by the State of Idaho for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no federal reimbursement has been or will be received, exceeds \$350,000.

CECIL D. ANDRUS,  
Governor of Idaho.

U.S. SENATE,  
Washington, D.C., May 8, 1972.

HON. RICHARD NIXON,  
President of the United States, The White  
House, Washington, D.C.

DEAR MR. PRESIDENT: The Sunshine Mine disaster is a tragedy with which you are already familiar. I need not review in this letter what has already been prominently portrayed in the media for a week.

Idaho's Governor Andrus has recently called upon you most urgently for assistance to the Kellogg area. His telegram of May 5 delineates the problems which are now being faced and may be expected in the future in this part of my State.

Mr. President, I urge that you give his request for disaster assistance early and favorable consideration. The loss of life at the Sunshine Mine can never be lessened but the Federal Government can and should lend every possible assistance to assure that the burden upon the wives, families, community and State be eased as much as possible.

Sincerely,

FRANK CHURCH.

MAY 8, 1972.

HON. HARRISON A. WILLIAMS,  
Chairman, Senate Labor and Public Welfare  
Committee, New Senate Office Building,  
Washington, D.C.

DEAR MR. CHAIRMAN: The immense proportions of the disaster that has occurred at the Sunshine Mine in Kellogg, Idaho, need hardly be described to you. At least eighteen dead have been brought out of the mine and another 75 are unaccounted for, lost in a labyrinth of tunnels a mile below the ground.

There is no way we can restore the eighteen known dead to life again or even assure the safe recovery of those still missing, but we can ask why this disaster happened and what, if anything, could have prevented it. The Senate can review the mine safety law to see what changes may be necessary to assure that a tragedy of these proportions will never again happen in a metal mine.

It is my view, Mr. Chairman, that the Senate Labor and Public Welfare Committee should begin, at the earliest possible time, a complete investigation of the entire Sunshine Mine tragedy. The investigation should examine the adequacy of present mine safety laws with a view toward the strengthening of enforcement procedures and penalties for noncompliance.

With best wishes,  
Sincerely,

FRANK CHURCH.

[From the Washington Post, May 9, 1972]

RESCUE HOPES DIM; COUNT OF MISSING  
MINERS RISES TO 58

(By Leroy F. Aarons)

KELLOGG, IDAHO, May 8.—Hopes dimmed today for the rescue of possible survivors in the Sunshine Silver Mine as a series of setbacks frustrated the five-day-old search efforts.

For the first time, a company official expressed pessimism during one of the frequent press briefings, usually dominated by upbeat forecasts and reports of progress.

"There is still a chance to get some people out," said ashen-faced mine manager Marvin Chase, "but I can't say I am as optimistic as before."

Chase also announced updated figures on the dead and missing. He said there had been 93 people underground, not 82 as originally announced. Thirty-five are known dead, leaving 58 unaccounted for, not 47 as originally thought.

FACTORS LISTED

The downturn of fortunes in the rescue effort, said Chase, was caused by the following factors:

The intensity of the fire that broke out last Tuesday morning has increased, not decreased, making it so hot below that rescue teams had trouble putting their hands to their airpicks. By early morning, the increased smoke had forced rescuers to abandon efforts to reach a main power line at the 3,700-foot level which would activate a lift down to the trapped miners, some 1,500 feet below that.

Instead, workers were seeking to reach an auxiliary power line on the less-smoky 3,100-foot level in the hope it would be sufficient to operate the lift.

A leak has occurred in compressor lines that were feeding air to work spaces deep in the mine which survivors may have been depending upon as a lifeline. The leak dropped the air pressure one third from 70 pounds per square inch to 27.

"Is that enough to sustain life?" Chase was asked.

"It depends on the number of people tapping the line," he answered.

As the more conventional rescue efforts faltered, attention turned to what some people had considered a gimmicky approach—the effort by Federal Bureau of Mines personnel to lower a manned rescue capsule to the trapped miners.

Chase, who earlier had been skeptical of the effort, said, "It certainly is a far more important hope than it was before. It may turn out to be the major effort."

PROBE ASKED

Meanwhile, the postmortem on the mine disaster drew more comment. Frank McKee, Western regional representative of the United Steelworkers, which represents the miners, called for a congressional investigation into conditions in the entire non-ferrous metal mining industry.

USW officials charged that a similar disaster could have happened in any hard rock mine in the country.

They accused the Bureau of Mines, which makes safety inspections of mines under the 1966 metallic-and-nonmetallic mine, health and safety law, of "coddling" the owners. They said most federal inspectors are drawn from the ranks of mine management and tend to overlook violations.

They also said the Bureau of Mines has refused to support union demands that employers permit a union safety representative to accompany inspectors.

More broadly, USW officials said that the 1966 law, which provided for advisory boards to establish safety standards, had been watered down when management and public agency representatives on the boards ganged up against labor representatives.

ACCUSATIONS MADE

Also today, J. Davitt McAteer, a consultant for Ralph Nader's Center for the Study of Responsive Law, who spent three days examining safety aspects of the Sunshine disaster, accused the company and the state and federal government of a "conscious disregard" of the hard-rock miner.

The company, said McAteer, "failed to take even the most basic precautionary measures to prevent the disastrous effect of this fire." The Federal mine safety act, he said is "totally inadequate" and the Bureau of Mines' "narrow interpretation of the power under the law is recklessly disregarding the miners' health and safety."

McAteer, who has written a study of coal mine safety in West Virginia, called for a federal and state safety probe of every non-coal mine in the country, as well as a congressional investigation.

As McAteer prepared his statement and Chase received word that the casualty list was 93 not 82, Sunshine president Irwin P. Underweiser was being interviewed on company finances by wire service reporters.

Underweiser told the Associated Press that insurance would protect his company from

loss should the mine have to be shut down for a period of time. In fact, said Underweiser, "we may even make a profit on the closure."

#### SHORTAGE SEEN

Since Sunshine mines one-fifth the silver in the country, Underweiser explained, a temporary shutdown could create a shortage, forcing silver prices up as much as 10 per cent an ounce.

Underweiser became president 18 months ago during a corporate shakeup. In 1971 he consolidated the firm's holdings but this forced the company to absorb a \$1.1 million loss—roughly half of it due to a sharp decline in silver prices.

And, at the compound near the mine's mouth, relatives waited for the six straight day, shaken by the latest news, but still determined. Perhaps they were remembering the oldest of miners' traditions: "No matter if I am alive or dead, if I am in there someone will come and get me."

[From the New York Times, May 9, 1972]

#### HOPES DIM FOR 58 TRAPPED IN MINE

KELLOGG, IDAHO, May 8—Hopes dropped today for 58 miners who have been trapped for almost a week by a fire in the Sunshine Silver Mine.

The fire that first broke out last Tuesday flared up again, choking the mine with a new surge of smoke and lethal gas. This development was a sharp blow to the rescue teams, which have had to battle a series of setbacks, including power failures, leaky bulkheads and faulty ventilation equipment.

Last night, Marvin C. Chase, general manager of the Sunshine Mine, announced that 11 more men were trapped underground than the management had originally thought, or a total of 93.

Of these, 35 are known dead, and 58 are listed as missing. But even the most optimistic officials do not think more than a handful are alive, if any.

#### AIR SYSTEM FAULTY

Mine officials reported today that the compressed air system had apparently sprung a leak. This system had been carrying fresh air deep into the maze-like tunnels of the mine, in the hope that some miners were still alive.

Some air was still getting through, but the pressure had dropped to one-third of what it had been.

A somber grief seeped through this small community in north Idaho like the chill rain that pelted the bare hills and the gray, dirt-streaked buildings of the country's largest silver mine.

The best chance for reaching the trapped men seemed to be a torpedo-like capsule imported by the Federal Bureau of Mines. The Bureau is hoping to lower the capsule and a two-man crew down an airshaft that has been kept clear of smoke.

#### INQUIRIES DEMANDED

Meanwhile, critics of the Sunshine Mine and the Federal Bureau of Mines attacked the mine's safety program, and called for investigations of the disaster, the worst ever to strike Idaho's hard rock mining industry.

Davitt McAteer, an associate of Ralph Nader, concluded a three-day investigation by calling the deaths at Sunshine "unnecessary" and laying the blame to "corporate negligence and bureaucratic complacency." The mine, he said, "did not prepare" its employees to cope with a flash fire.

Mr. McAteer called upon the Bureau of Mines and the State of Idaho to conduct an emergency inspection of all mines in the state. He also urged the Senate Labor Committee and the House Interior and Insular Affairs Committee to investigate the tragedy.

Both the Bureau of Mines and the Sunshine company refuse to make any comment

while investigations are in progress. The bureau is collecting depositions here in Kellogg for its examination of the fire.

#### "CODDLING" IS CHARGED

Officials of the steel workers union, which represents the Sunshine miners, denounced the Bureau of Mines. They accused the bureau of "coddling" the mining industry and of softening safety standards under pressure from industry lobbyists.

"It's not just safety, but the whole question of health," J. P. Mooney, a union staff representative, said. He charged that the bloodstreams of 44 per cent of the workers in local smelters registered unsafe levels of lead or cadmium.

Representatives of all union locals in this mining district met here late yesterday, and many of the men agreed with Keith Collins, a miner at the Sunshine, who said, "There ain't no such thing as a safe mine."

"Working in a mine," Mr. Collins said, "is like walking in front of a truck and saying it's safe because the truck didn't hit you."

#### COMFORTING FAMILIES GRIMMER

Like many surviving miners, Mr. Collins has been trying to comfort the families of the missing men. But that task is growing grimmer. "I'm working so hard to keep their hopes up, when I have none myself," he admitted.

More than 50 friends and relatives continued to maintain their vigil at the mine entrance, huddling under makeshift plastic shelters and warming themselves on portable gas heaters.

For a week now, this community has been riding a roller coaster of hope and despair, but the rain seems to have injected a mood of realism, according to local clergymen on the scene.

"Physical exhaustion and the passage of time have caused a plateau now," said the Rev. Roland Schleuter of the United Church of Christ. "People are not actively churning up their anxiety. It's a holding action on their part."

"There's a feeling that it's been so long," the Rev. Burley Herrin added. "They're saying, 'I might as well be prepared for the worst, but I still can't give up all hope.'"

#### PRESIDENT NIXON'S CHOICE

Mr. YOUNG. Mr. President, I believe that President Nixon had little choice but to make the decision he did to mine the harbors of North Vietnam and bomb their railroad and other supply lines, accompanied by his new and generous peace offer.

North Vietnam is receiving abundant military equipment and supplies of all kinds from Russia. Unfortunately, the Russian tanks and many of their other weapons are superior to anything we have.

South Vietnam is being overrun, and many thousands of refugees are being killed. A bloodbath such as occurred in North Vietnam when the Communists took over in 1954 is fast becoming a possibility. Unless this drastic action was taken, there might well have been a decisive defeat of South Vietnamese forces, endangering our troops and their withdrawal.

Undoubtedly President Nixon's decision was hastened by Hanoi's recent insulting, arrogant responses to our peace offers in Paris. The President's new offer makes possible a quick and honorable final solution to this tragic war by withdrawing all of our troops within 4 months after the return of all of our pris-

oners of war, and the acceptance of an internationally supervised cease-fire.

#### PRESIDENT NIXON'S DRAMATIC ANNOUNCEMENT

Mr. McGEE. Mr. President, President Nixon's dramatic announcement last night, that the seacoast of North Vietnam is now mined, is a very dangerous and even frightening new step on his part.

However, before we make a final assessment of this latest development in Southeast Asia, I would urge all of us to give the President the chance to proceed in playing out his very mixed series of events that are all laced together—events like the negotiations going on in preparation for the meeting in Moscow, like the feelers and conversations in Paris, and like the dialog in Peking.

Only the President himself really knows what has been said or what we have been led to believe in these several exchanges. Likewise, only the President knows what is required to protect America's bargaining position and the chances for a successful summit meeting in Moscow.

That is why I believe it is still important for us in Washington, and particularly Members of this body, to hold our fire. We can raise our doubts and express our fears. But I believe that we in the Senate ought to maintain a low profile and ought to restrain our rhetoric.

Only the President is Commander in Chief of our Armed Forces. His latest decision is but another act in what has been a very long and frustrating war for this country. And, according to the President, this latest action is designed to hasten the peace. We should give him the opportunity and the room to operate in the context of this latest development.

Mr. President, we do not help the situation at all by pretending to be Presidents ourselves. I would level one additional bit of counsel for my good friends and colleagues who are aspiring to the office of President of the United States. In my judgment, it is unwise to claim what you would have done if you had been in the White House this week because you are not there. There is all the difference in the world between running for President and being President. This latest decision relative to the war in Southeast Asia rests squarely on the shoulders of the President. He bears the ultimate burden for the rightness or wrongness of this decision.

So what I am saying is that we can well afford to be cautious about what we say for the next few days or even the next few weeks as the President pursues this very delicate and potentially dangerous development in our relations in Southeast Asia.

#### PRESIDENT NIXON'S ACTIONS IN VIETNAM

Mr. HRUSKA. Mr. President, President Nixon has taken his actions in Vietnam as the quickest and safest way to insure the security of our troops and to attain a durable peace in Indochina.

Protection of American lives is of the highest priority. There is no merit in arguing whether American soldiers should have been there or not. They are there and they must be protected. No self-respecting nation would do less.

The President's terms are generous and fair. He has set a date for withdrawal of our forces, contingent only on return of our prisoners and a cessation of fighting. Thus he proposes what the aggressors and his critics at home have long been demanding.

There are risks involved in this course of action, it is true. But what are the alternatives? Failure to act endangers 65,000 American lives, and we simply cannot incur that risk.

His language could not have been plainer. He is not escalating the conflict. He is protecting our own troops. This is no more than any other nation would do in the same circumstances.

No one deplores the necessity of those actions more than the President does. He has taken them with full knowledge of the risks involved.

In my opinion, we would run a much greater risk if we followed any other course. If a confrontation with Russia or other Communist nations results, it will not be our responsibility. We have made it clear we seek no such confrontation. If the other side persists in seeking one, then we would have to face it sooner or later. It is eminently better to make our position clear immediately and avoid possibility of miscalculation by our enemies.

Let us not forget that the Soviet Union would also face grave risks in a direct confrontation. They have just as great a stake in peace as we do. They have just as many reasons to settle this long and terrible struggle peacefully.

In the final analysis, it is, as the President says, namely, that there really were no feasible alternatives. Our first consideration must be protection of our troops and return of our prisoners.

All Americans should support him in those objectives. It is my hope they will do so.

#### THE NIXON ADMINISTRATION'S MISMANAGED ECONOMIC POLICIES

Mr. HUMPHREY. Mr. President, on April 22, in a report to the 1972 Democratic Platform Committee, the Economic Affairs Committee of the Democratic policy council reviewed the Nixon administration's mismanaged economic policies.

The record shows that those policies are responsible for "accelerated inflation, rising unemployment, the first recession in a decade, a staggering loss of production, the first international trade deficit in many decades, and a forced reduction in the international value of the dollar."

Prepared under the chairmanship of Gardner Ackley, and vice chairmanship of Walter W. Heller, both former chairmen of the Council of Economic Advisers, the report is the fifth in a series of issue papers to be released by Democratic National Chairman Lawrence F. O'Brien, under a new convention procedure recommended by the O'Hara Commission.

This report is one of several developed by regional hearings held by committees of the Democratic policy council, of which I have had the honor to be chairman. The views and recommendations contained in this economic report are those of the members of the Committee on Economic Affairs.

Chairman O'Brien has pointed out that we do not presume to speak for anyone in the Democratic Party other than those who directly had a role in the preparation of these reports, but, we are confident that these views will be afforded the most serious consideration by the platform committee members in writing the 1972 Democratic platform.

Other reports to be released include education, freedom of information, farm income, women's political power, housing, national regional development policy, the urban crisis, intelligence and security, the environment, consumers, and international affairs.

Mr. President, I ask unanimous consent that the complete text of the report of the committee on economic affairs be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

#### ISSUES AND ALTERNATIVES IN ECONOMIC POLICY

##### NIXONOMICS

#### *The economic record of the Nixon administration*

Judged by any objective standard, the economic policies of the present administration have been a dismal failure, as even Mr. Nixon was forced to admit in his abrupt turnabout last August 15.

The administration came into office with bright promises of assuring prosperity, halting inflation, and strengthening the international position of the dollar. Instead, it achieved accelerating inflation, rising unemployment, the first recession in a decade, a staggering loss of production, the first international trade deficit in many decades, and a forced reduction in the international value of the dollar.

Let's look at the sorry record of Nixonomics—a record of economic policy misjudgment and mismanagement so bad it must be seen to be believed:

**Jobs.** From the preceding eight Republican years, the Kennedy Administration inherited a legacy of 5 million workers, or 7 per cent of our labor force, unable to find jobs. Eight Democratic years succeeded in reducing unemployment to 3.3 per cent—the lowest level since the Korean War. Three Nixon years scuttled this achievement; all during 1971, five million or more were again jobless, and the unemployment rate had zoomed to 6 per cent. Unemployment exceeded 10 per cent among non-whites, and 17 per cent among teen-agers.

**Inflation.** This increase in joblessness was the deliberate and purposeful Nixon prescription for curbing inflation. But inflation, far from being restrained, accelerated. Consumer prices had risen 4.2 per cent in 1968, not a good record. Yet, an unemployment rose, so did the rate of inflation. Prices increased 5.4 per cent in 1969, 5.9 per cent in 1970 and, despite the "freeze" in August, 4.3 per cent in 1971.

**Production.** As Nixonomics took hold, our economy turned slack and sluggish. Between 1969 and 1971, total U.S. output (Gross National Product in constant prices) increased only 2 per cent. Total industrial output in 1971 was actually 3.8 per cent lower than in 1969. In contrast, between 1961 and 1968 total output had increased at an average rate of 5.1 per cent a year, and industrial

production at an average of 6.7 per cent per year.

In the last quarter of 1968, 87.2 per cent of our industrial capacity was being utilized. In the last quarter of 1971 use of capacity had plummeted to 74.0 per cent, a low unequalled since the Republican recession in 1958.

Operating the economy below full employment during 1970 and 1971 has already cost us \$128 billion loss of potential output. By election day, the loss will have reached \$175 billion. During 1973, it will reach and surpass \$1,000 per capita.

**Profits.** Business profits declined sharply throughout the Nixon Administration. As a percentage return on stockholders' equity, corporate profits in 1970 were lower than in any year since the recession year 1961. And 1971 showed only a modest recovery.

**Take Home Pay.** For those at work, even the sharp wage increases of recent years have barely kept up with rising prices, while lagging production has cut the average working week and held down workers' incomes. For a fully-employed factory worker with three dependents, average "real" take-home pay in 1971 was no higher than in 1968.

**Dollar Devaluation.** The U.S. balance of payments has steadily deteriorated. We experienced an adverse balance of merchandise trade in 1971 for the first time in many decades, nearly \$3 billion. Our total foreign deficit in 1971 approached \$30 billion. Dollar devaluation and suspension of convertibility were the inevitable results.

**Fiscal Blunders.** The fiscal record of this administration verges on the unbelievable. Because its fumbling policies retarded rather than stimulated recovery, the resulting loss of revenue has produced by far the largest budget deficits since World War II. In fact, the total deficit of the four Nixon years will amount to about one-third of the aggregate deficits of all the preceding years in our history. A record has also been set for miscalculations; never before have revenue estimates been so far in error. Yet another record has been set in the manipulation of budget figures to make them look good and to justify policies that cannot be justified.

#### THE THEORY OF THE OLD "GAME PLAN"

The disastrous outcome of Nixonomics stems directly from the notorious "game plan". It was anchored in the stubbornly held belief that the only effective way to curb inflation is to tighten the screws on the economy until rising unemployment will limit wage advances, and dwindling markets will hold down prices. As soon as he took office, the President sharply rejected any extension of the efforts of the Kennedy and Johnson Administrations to obtain the support of labor and business in moderating their wage and price objectives in the overriding public interest—a virtual invitation for wage and price increases.

The Republican formula sought to check inflation solely by retarding economic growth and creating unemployment—with the inevitable cost in terms of human distress and social unrest. Retarded growth and rising unemployment were achieved—only too successfully—but the expected tradeoff failed to materialize: even in recession, price increases did not slow down, they sped up. Conceivably, if the screws were turned down long and hard enough to cause a real depression, inflation would be retarded; but even the Nixon Administration could not contemplate so high a price.

As serious a mistake as it was to adopt this "game plan", much less forgivable was the protracted failure to recognize that it was not working. The February 1971 Economic Report proclaimed that the year would be one of rapid recovery. It set a target for GNP that was almost universally recognized as wholly unrealistic (given the policies adopted), even by some of Mr. Nixon's own economic advisers. When Bureau of Labor Statistics officials commented, as they had al-

ways been expected to do, on significance of the disappointing economic statistics the Bureau was releasing, the reaction was not to take a hard look at what was happening but rather to muzzle the officials whose interpretations were honest but distasteful. When the Democratic Congress granted the President the authority to control prices and wages directly, he condemned such controls, and kept insisting that he would never use the authority—up to the final days before his abrupt confession of failure last August.

#### THE NEW ECONOMIC POLICY

Confession of error, though belated, is at least a step in the right direction. But the delay was costly, and we will pay the penalty for years to come. The bankrupt course of clamping down on the economy, while letting inflation rage unchecked, contributed largely to the swollen budget deficits of 1972 and 1973, and clearly aggravated the deterioration of our balance of payments and the collapse of the dollar. The failure to take firm steps earlier to hold down rising prices led directly to the very large wage increases in key industries in 1970 and 1971, which workers demanded and received to keep pace with soaring living costs. This failure has already guaranteed higher costs and selling prices in the years ahead, further impairing the competitiveness of American products on international markets.

Even when Mr. Nixon finally decided to use the price-wage authority the Congress had given him, and took the drastic steps that had become necessary on dollar devaluation, his fiscal policies retained the traditional Republican bias. Instead of concentrating on raising consumer purchasing power, he persisted in the "trickle down" theory. The tax package he proposed in August would have given business \$5 billion in tax relief from an investment credit, on top of \$3½ billion of "depreciation reform" granted earlier the same year. The Democratic Congress managed to boost the benefits to consumers a little, to pare the investment credit to \$3½ billion, and to make the depreciation reform less generous. But the entire \$5½ billion of business tax benefits would have provided a far more effective stimulus had it been made directly available to the consumer. So would the \$2½ billion cut in excise taxes on automobiles, if spread throughout the community rather than limited to new car buyers. Moreover, Mr. Nixon proposed to cancel most of the fiscal stimulus from tax cuts by a \$4¼ billion cut in federal spending.

His policies were thus quite unable to create the millions of new jobs needed to absorb the annual growth of our civilian labor force, plus the additional millions of jobs needed if we are to move back toward full employment. Even under the New Economic Policy, job creation has barely kept pace with labor force growth, and unemployment remains close to the intolerable 6 per cent. Only in July 1972 has Mr. Nixon finally tried to pump up expenditures, through the largest annual increase in federal spending since World War II, in a desperate but inadequate effort to get the unemployment rate moving down by election day. He hopes, of course, that the voters will not recall how many jobs his policies cost the nation.

Although the patriotic cooperation of nearly everyone made the wage-price freeze a 90-day success, Phase II has been a disappointment right from the start.

The Pay Board, in particular, has been given no clear policy guidance, and flounders in a morass of inconsistent rulings which run the gamut from apparent inequity to excessive generosity. The Price Commission strives earnestly to carry out its poorly-defined mandate; but it has not been given resources adequate to do a good job across the board, and it has not had the sense to concentrate them intensively on the areas that are most critical and sensitive. It has

adopted an unduly generous policy of passing through cost increases with full mark-ups, and is approving substantial price boosts by big business which are clearly inconsistent with its goal of limiting price increases to 2½ per cent by year end.

The Department of Agriculture now estimates that grocery prices will rise 4½ per cent in 1972. Coupled with continuing sizeable increases in the prices of services, this alone would raise the Consumer Price Index by nearly 3 per cent even before taking account of rising prices of non-food commodities that represent 40 per cent of total consumer expenditures.

On the unemployment front, the Council of Economic Advisers hopes for a reduction of 5 per cent by year-end; but this too seems most unlikely given the rapid increase both of our labor force and of labor productivity. A drop of the unemployment rate even to 5½ per cent may be difficult to achieve by a program that relies on hopes rather than action. The most urgent task confronting us is to create more jobs; yet the administration accepted the Public Service Jobs program enacted by the Democratic Congress only reluctantly, and has scornfully rejected the Reuss proposal for really substantial job creation.

#### A DEMOCRATIC PROGRAM FOR PROSPERITY

So much for the sad record of three Nixon years. What is needed for the future, to lift us out of the present morass and, in President Kennedy's words, to get America moving again? We cannot afford an administration dedicated to the proposition that 4½ million workers need not find jobs in our economy. The earliest possible restoration of full employment must be our paramount goal, and a 4 per cent unemployment rate our minimum objective. What should be the Democratic program for recovery and stabilization? Some answers seem very clear; others will need careful and continuing study, which will take account of the needs and aspirations of all of our people, of the opportunities now open to us, and of the best technical knowledge of economists and other experts.

#### Fiscal policy

In good measure, the adoption and unswerving pursuit of a sound and equitable fiscal policy is the key to steady prosperity and growth. Unlike Republicans, Democrats have long been aware that budget deficits are essential when the economy is operating below its potential (although the huge Nixon deficits expected for 1972 and programmed for 1973 would have been unnecessary if more timely and more effective action had been taken earlier to expand the economy). But now that a Republican administration has finally embraced deficits—and even "full-employment" deficits—when the economy is lagging seriously, there should remain no significant political opposition to using taxes and the budget flexibly and constructively to sustain prosperity.

Yet just as there need be no fear of deficits as such in times of economic slack so we must recognize that sound fiscal policy may require substantial surpluses in times of prosperity. Not "balancing the budget", but deciding when deficits or surpluses are needed, how big, and how to achieve them constitute the real problems of fiscal policy.

It is not our task to deal with the question of priorities within any given total of budgetary expenditures. Here we address ourselves to three other questions related to fiscal policy.

#### 1. OBTAINING NECESSARY FISCAL FLEXIBILITY

For fiscal policy to provide the necessary support for a steadily expanding economy that will fully use but not overstrain its available productive resources, means must be available promptly to offset the inevitable tendencies for fluctuations in the private demand for goods and services. This requires

some combination of flexible variation of tax rates and/or budget expenditures.

**Tax flexibility.** Many economists believe that the President's Budget should each year routinely propose a uniform percentage surcharge—positive, negative, or zero—on all personal income and profits taxes. The direction (plus or minus) and the size of the proposed surcharge would be adjusted to the proposed size of the expenditure budget, the net impact of tax changes proposed for other reasons, and the expected state of the private economy.

In almost every year of the past decade, some tax rate change has been proposed for stabilization purposes. Now it is clear that the rate change must be considered a routine question for every budget. And, unless tax rate changes proposed for other reasons happen to provide the right amount of stimulus (given proposed expenditures and the state of the economy), this annual proposed change should take the form of a positive or negative surcharge on income taxes.

Some economists further propose that the President be delegated limited discretionary authority (subject to Congressional veto) to impose a positive or negative surcharge in case unexpected changes occur in the rate of budget expenditures or in the strength of the private economy after Congress has acted for that year on taxes and on the size of the budget. It is probably too early to conclude that this authority is necessary until we have further experience with the success of systematic once-a-year adjustments.

**Expenditure flexibility.** Congress needs to develop some better means than it now has to consider each year and to determine whether the total size of the President's proposed budget is appropriate in view of what it may expect to enact in the way of tax rate changes. Thereafter, it needs to have some better means than now exists to see to it that the collection of separate appropriation bills it enacts will permit expenditures of the total size that it has previously determined was appropriate.

Falling such better means Congress must accept the exercise of Presidential discretion to withhold appropriated funds—or to release funds previously withheld—whenever the private economy appears to shift from a previously expected path and previously enacted tax rate or spending changes therefore become clearly inappropriate. The fact that the present incumbent has used such discretion arbitrarily and unwisely does not negate the principle. Perhaps some formal authority should be provided—authorizing (and limiting) the President's power in these respects.

**Automatic flexibility.** In addition to the expenditure flexibility that arises from discretionary changes in the budget, there is now an increasing degree of automatic flexibility in expenditures, lifting them when the economy is slack and curtailing them when it booms. In addition to unemployment insurance and welfare programs, there is now—on Democratic initiative—a program of public service employment which automatically turns off as full employment is restored. This program needs to become a permanent feature of our stabilization policy. An even more powerful program of automatic stabilization would arise from Democratic proposals for a "cyclical" form of revenue sharing with cities and states, under which the federal government would cushion state and local governments from the revenue losses that arise from the failure of the national economic policy to maintain a prosperous and steadily expanding economy.

#### 2. Appropriate size of the total budget

Conservatives perennially fear that federal budgets, even if soundly financed, have an inevitable tendency to expand without limit; and that the budget is already—or is always about to become—"too big" for the health of

the economy. The fact is that the federal budget can be as big as it needs to be, so long as its financing is soundly adapted to the needs of the country.

Still, the total budget should be no bigger than it needs to be to achieve the nation's objectives. Thus, Democrats can be and are as interested as are Republicans in curbing waste and inefficiency in government, in promptly abolishing or altering old programs the need for which has changed, and in making sure that new programs are so designed as to achieve their objectives with the minimum necessary expenditure of public funds.

In recent years, new methods of budgetary evaluation have been introduced by both Democrats and Republicans. These should be continued and strengthened. Moreover, government reorganizations to improve efficiency and eliminate waste need to be the constant concern of both the Executive Branch and the Congress.

For the future, it is quite possible that substantial new expenditure programs to solve urgent social problems will emerge from the reexamination of the nation's needs and priorities which Democrats seek. These may call for a permanent enlargement of federal revenues. If this is the case, we should not hesitate to undertake the necessary expenditure programs, up to the point at which the social value of public expenditures no longer exceeds—at the margin—the social value of the private expenditures which would be foregone through the enactment and collection of equitable taxes necessary to pay for those expenditures. Judgments of this kind are basically economic; but they can only be made and must be made through our democratic political processes.

### 3. Tax policy

**Tax reform.** Whether or not significant growth of government expenditures is required, in excess of the growth of revenues from present tax sources and at present tax rates, tax reform is urgently needed. If none, or only some, of the increased revenues from tax reform should be needed, tax rates can be reduced. If, as is probable, more revenues are needed, the first source of these revenues should be from tax reform. Indeed, it appears that far-reaching reform could easily pay for almost any foreseeable increase in expenditures that may become necessary.

Tax reforms will obviously be resisted by groups now enjoying the benefits of the loopholes and inconsistencies in our tax structure; and at least some of this resistance will stem from legitimate concerns. Painless reform is not possible; the issues involve the relative weights accorded to the claims of special groups and that of the broad public interest; often the two are closely interrelated. Most present tax concessions were provided not capriciously, but with significant social or economic objectives in mind.

But many of these objectives have lost their force in today's world, and all merit careful reexamination. It is certainly not tolerable that some of the very wealthy pay no federal income taxes; that others of the rich pay much less than their appropriate share; that the poor and many with middle incomes have no comparable avenues of shelter; and that—at any income level—people with the same incomes but derived in different ways pay unequally the costs of government. The Nixon Administration has promised tax reform proposals, but they remain conspicuous by their absence.

Recent testimony by experts before the Joint Economic Committee has demonstrated that the individual and corporate taxes—the nation's best and most progressive tax sources—are badly in need of reform. At given present rates and income levels, a comprehensive reform would yield more than \$70 billion in additional revenue from the

individual income tax alone. Such a reform would, in effect, treat all sources of income equally, including realized capital gains and interest on state and local bonds; would limit depletion allowances to actual cost; and would eliminate most of the itemized deductions and the rate advantages of income-splitting for married couples. This would obviously allow massive across-the-board cuts in income tax rates, as well as a considerable expansion of spending.

Less drastic proposals might include: Revision of the capital gains tax; further reduction of depletion allowances; improvement of the minimum tax; elimination of unnecessary deductions; and revision of the tax treatment of the family. In addition, repeal of the recently-authorized liberalization of depreciation allowances seems appropriate. A combination of several of these reforms could well remove any need either for new tax sources or for the raising of tax rates, for some considerable period.

**New tax sources.** If significant tax reforms cannot be enacted, or if extremely large increases in federal revenues are needed—for example, to increase the role of federal financing in public education—new federal taxes will inevitably be considered.

The Nixon Administration has floated a trial balloon—but as yet no formal proposal—for an across-the-board Value Added Tax (VAT), similar to that now imposed in most of Western Europe. It is, in effect, a national sales tax. Its revenues would be transferred to local jurisdictions, primarily for educational purposes, thus relieving the excessive burden now borne mainly by property taxes. No matter how structured, however, such a tax would be inherently regressive in the top brackets, further eroding the relatively limited progressive element that exists in our present combined federal, state, and local tax structure. Economists differ as to who bears the burden of the property tax, now the principal source of education funds. But even if the property tax is somewhat regressive, substituting one regressive tax for another seems hardly the best way of achieving the desired objective. Even moderate reform of our federal income tax structure could achieve the same revenue objectives much more equitably. And if still further federal revenues were needed—or if tax reform were blocked—a modest increase in personal and corporate income tax rates, now well below 1963 levels, would be preferable to a national sales tax.

### Monetary policy

We regard it imperative that monetary and fiscal policies be closely coordinated. Inappropriate monetary policy can frustrate our objectives as readily as ill-conceived fiscal policy; the two must move hand in hand. The view—still held by some Republican economists—that monetary policy should move independently, and merely aim at a constant rate of increase of money supply (however defined) has now been clearly discredited. Adequate growth of the money supply is important; but so are interest rates. Unduly high interest rates, such as those achieved during the first two years of Nixonomics, retard economic growth and can have a catastrophic impact on major sectors of the economy, especially construction. The rate of growth of money supply, however measured, cannot be governed by any simplistic formula, but must be constantly adjusted to the changing needs of our economy. And interest rates must not be allowed to rise to levels inconsistent with those needs.

### Wage and price policy

Mandatory limitations on wages and prices imposed under the Phase I freeze and the Phase II controls, were made necessary by the failure of the original Nixon game plan. Phase II, however, is working only imperfectly and often inequitably, and certainly requires immediate and extensive changes.

However, at best, mandatory controls provide no long-term solution to the problem of inflation. Our economy cannot operate either efficiently or equitably for any extended period under rigid controls of this type.

If Phase II controls are adapted so as to operate effectively during the remainder of 1972, most of the need for widespread compulsory controls should have ended by a year from now. Thus the real problem for Democratic policy is the kind of longer-term price and wage restraint that must follow Phase II.

Our own post-war economic history, and that of other western nations, shows clear evidence of an endemic inflationary bias, with periods of creeping inflation followed by periods of more rapid price rise, such as that since 1968. This tendency always becomes stronger as full employment is approached.

Because the system that is needed to control creeping inflation at high employment must be thought of as essentially permanent, it must be a flexible system which will not distort economic development. And it must rest basically upon the consent and participation of those whose wages and prices are controlled, a consent which can only derive from a sense that the system operates equitably, yet can achieve the reasonable overall price stability which the interests of both labor and management require as well as the welfare of the community generally.

The agents of such a system must have specified authority that can only derive from legislation. The design of that legislation, and the creation and preservation of the necessary atmosphere of mutual trust and confidence among the several economic interest groups necessary to the success of such a program must be considered a major responsibility of a Democratic President and Congress.

### International economic policies

The recent currency revaluations had probably become inevitable in good part because of the failure of Nixonomics. They should contribute substantially to the improvement of American competitiveness in international affairs.

By the same token, however, the reduced value of the dollar, along with the expected further reforms of the international monetary system, should remove most of the pressures for quantitative import controls, whether mandatory or "voluntary." We must avoid, at all costs, the neo-isolationism that seeks to insulate our markets from legitimate foreign competition. This is essential to protect the consuming public from excessive prices. It is essential, also, to foster the gradual readjustment of our economy to changing domestic and world conditions, and to guide each nation's productive activities into those lines of production in which it has comparative advantage or, at least, equality. Only through this kind of international division of labor can the economic welfare of citizens of every country—including our own—be maximized, and the economic development of poorer nations assured. We recognize that world competition—like domestic competition—may have disruptive impact on some industries, but the answer should be found in adequate programs of "adjustment assistance," not in building arbitrary barriers that would only set off a train of reprisals to the injury of all.

We must, at the same time, continue our efforts to induce our trading partners to treat our exports equitably. The objective of maximizing world trade cannot be achieved by us alone; we must expect other countries to treat our international trade as fairly as we treat theirs. A major initiative in the reciprocal reduction of trade barriers on a worldwide basis is long overdue, continuing the constructive tradition followed by Presidents

Roosevelt, Truman, Kennedy and Johnson, interrupted only under the Nixon Administration.

These objectives will be possible only if international monetary reform succeeds in permitting increased flexibility of exchange rates. The Nixon Administration's efforts toward monetary reform have essentially continued along lines initiated under two Democratic Presidents; they need to be carried forward aggressively and pushed to fruition in the several years ahead.

### THE WILD PET TRADE: A NEED FOR CONTROLS

Mr. CRANSTON. Mr. President, I was delighted to have the privilege of testifying recently before Representative DINGELL's House Subcommittee on Fisheries and Wildlife Conservation regarding the merits of proposed legislation to protect and preserve rare and endangered animal species. My own bill, the Nature Protection Act—S. 249—which would prohibit the hunting, capturing, killing, taking, transporting, selling, or purchasing of any species of fish or wildlife which is in danger of becoming extinct, is currently being considered by Representative DINGELL's subcommittee during the course of its deliberations on the general problem of endangered species.

An excellent article on one facet of this problem, the importation of exotic animals for the pet trade, was published recently in the Los Angeles Times. Mr. President, I ask unanimous consent that the article by Eugene Linden, entitled "The Wild Pet Trade: A Need for Controls," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE WILD PET TRADE: A NEED FOR CONTROLS (By Eugene Linden)

(NOTE.—The importing and sale of wild animals as pets has come under attack in recent years as part of increased public interest in the environment. But as long ago as 1940 the United States ratified a treaty with other Western Hemisphere nations aimed at protecting wildlife. Legislation to put this country in full compliance with the treaty was never passed, however.)

To satisfy the requirement, Sen. Alan Cranston (D-Calif.) has introduced a bill in this session of Congress that would prohibit the "hunting, capturing, taking, transporting, selling or purchasing" of any rare or endangered animal. The Nixon Administration has proposed a similar measure.

(In California, Assemblyman John Burton (D-San Francisco) has proposed a bill, scheduled for hearing Monday, that would ban importation of nondomesticated mammals into the state for resale by pet shops. An earlier version of the bill passed the Assembly in 1970 but did not get through the State Senate.)

The harvesting and sale of wild animals as pets has become an unfortunate adjunct to the growth of the conservation movement. The idea that buying a monkey, wolf, viper or jaguar as a pet fosters or expresses love of nature runs counter to the ecological spirit conservationists have been trying to encourage, yet Americans now spend \$20 million to \$30 million on such animals annually. The pet industry avidly services and encourages this demand.

I started to investigate the pet industry while I was working for former Rep. Richard L. Ottinger (D-N.Y.) in 1970. The first thing I learned was that if you are willing to pay, it is simple to purchase any animal, en-

dangered or not, dangerous or not, legal or not, with no questions asked.

My telephone inquiries of pet dealers around the country produced offers of lions, jaguars, mountain lions and cheetahs. Only once was I asked whether I knew how to handle such animals.

A pet dealer in Florida offered to sell me an untamed, full-grown mountain lion, and when I asked whether it was dangerous he said, "No, just keep it away from livestock." (I told him I had children.)

The pet industry is virtually unregulated in what it can sell and to whom. Far from exercising self-control, it has abused its freedom: (1) by selling as pets animals impossible to domesticate, impossible to keep alive in captivity, or dangerous and thus defrauding the public; (2) by transporting wild animals with inhumane provisions for their health and fostering them on the public with duplicitous statements about care and feeding and thus committing the wild animal imported as a pet to a short life of misery before death due to mishandling; and (3) by playing a cruel numbers game in the collection of wild animals.

Up to 10 animals die for every one that makes it to the pet store and uncaptured breeding mothers are killed to harvest the young. In some cases habitat and nesting areas are destroyed in order to collect animals for sale.

Apart from my inquiries of the larger pet dealers around the country, I made several calls to pet shops randomly selected from the Manhattan telephone book and asked if I could buy a proboscis monkey. All tried to convince me to buy various exotic monkeys they had in stock, and two of the shops promised that if I left a \$50 deposit they could get me one.

Further questions revealed that both these people were aware that the proboscis monkey is almost extinct and that deportation from Malaysia has been banned. The cheetah, too, is endangered in almost all of its habitat, but I had no trouble locating a pet dealer who would sell me one. There was no way of knowing whether the cheetah had been illegally exported.

Besides procuring exotic animals, pet stores regularly advertise monkeys, falcons, ocelots, owls and rattlesnakes as perfect educational pets for the family. Because most exotic animals die quickly in captivity, the stores generally only stock the hardier cats and monkeys and order other animals as they are requested.

Both in advertisement and at the time of sale the pet stores consistently misrepresent wild animals to potential customers on such matters as an animal's suitability as a pet, the care and handling it requires, and the chances of its survival.

Such deceptions are most common in the selling of monkeys. Joe Davis of the New York Zoological Society says that almost any monkey sold as a pet will die within a year and that some of the monkeys sold in pet stores cannot even be kept alive in zoos.

A common reason for death is that human respiratory ailments prove fatal to monkeys. Aside from this vulnerability, the monkey makes a bad pet because it is virtually impossible to housebreak. Finally, many monkeys, after infancy, establish their standing in their age groups by fighting with other adolescents. If a monkey grows up in a family of children, it often assumes the children are other monkeys and will start to pick fights with them.

Tens of thousands of monkeys are sold each year with little warning about these and other problems the owner will encounter, nor the misery the monkey will suffer.

John Perry of the Washington Zoo claims that every month five or six people call in with lions or tigers they have purchased that are getting too big to handle. It seems absurd to have to confront the idea of people buy-

ing lions as pets, but there is a huge trade in middle-sized cats—many untameable, and some endangered.

The most commonly purchased middle-sized cat is the ocelot. It can be a good companion, but it needs lots of space and lots of exercise. The ocelot grows to 60 pounds and, to get exercise in an apartment, will pretend that drapes are trees, couches are rocks, and will soon reduce an apartment to rubble. Any big cat requires constant attention and cannot be left alone even for a weekend.

And then there was the New York woman who was savagely bitten by her own timber wolf in the heart of Manhattan. The timber wolf, incidentally, is nearly extinct in the 48 contiguous states.

By the time the owner discovers the truth about his unmanageable, deadly, huge, squalorous, sickly, or dead pet, it is too late. He cannot get his money back from the pet store, which, in most cases will not even take the animal back and resell it; zoos will not take it; friends won't either. The only choice open to the owner who keeps a wild animal alive long enough for it to become a nuisance is to have it destroyed.

The suffering that occurs once the animal is in the buyer's home is still minor compared to the cruelty and wholesale deaths that occur in getting wild animals to the pet shop.

The exotic pet trade almost exclusively deals in animals that are "harvested" when they are young. Nursing kittens or cubs of any species are very delicate. Ed Baker, who formerly ran the Interior Department station at New York's Kennedy Airport, claims that it is inhumane and often fatal to ship any animal while it is nursing.

Most of these young are harvested by shooting the mother. In the case of certain American monkeys, not only is the mother destroyed, but the nesting trees, necessary for continued reproduction of others in the species, are destroyed as well.

No matter what pious statements wholesalers make about harvesting precautions, the native who goes out to get the animal does it the easiest way, and this is by killing the parents, and/or by destroying its habitat. For every cute cub bought out of some misguided love of nature several cubs are denied birth because the mother has been killed.

Moreover, Katherine Cisin of the Long Island Ocelot Club estimates that for every ocelot kitten that survives acclimation at an individual's home, 10 die during shipping, the sojourn in the pet shop, or during the initial period of acclimation.

Because animals are salable only while they are cute and young, hundreds of cubs are doomed so that a few will arrive alive. The consumer who buys a cub or kitten unknowingly sets in motion a vortex of destruction that involves 10 times the number of animals he purchases.

Mishandling in the home is only the final link in a chain of inhumane treatment that begins when the animals are captured. Monkeys are jammed 20 or 30 at a time into tiny cages with the expectation that many will die in transit.

I visited the animal shelter at Kennedy airport where workers removed dozens of dead monkeys from cages that had just arrived. Leopards and other cats are often boxed in cages so small that they cannot stand up. Often animals have to make 36-hour journeys with no food.

Add to this rough handling, terrifying noises, sudden temperature changes, and, in the case of young animals, no mother for comfort and protection, and it becomes obvious why so many animals cannot survive the trip to the pet shop.

The total sales of wild animals amount to less than 2% of the pet industry's annual receipts. This trade is attractive because the sale of an exotic animal promises

quick, large profits, and because the animals, when displayed, often lure customers into pet shops where they may make a more ordinary purchase.

However, this trade is no way essential to the pet industry. Its uncontrolled continuation means unchecked destruction of habitat, untold cases of cruelty and senseless animal deaths, the depletion of interesting and valuable species, and misery for the buyer who purchased his animal in misleading circumstances.

By the time a wild animal gets to the local pet shop it is too late to enforce laws concerning the sale of wild animals. The simplest and most enforceable remedy would be to ban or restrict the importation of all wild animals except those approved for unrestricted importation by a panel of zoologists. Such an approved list could be subject to nonlegislative amendment as the Endangered Species List is now.

Exemptions could be allowed should an organization or individual demonstrate a need to import the animal and the resources to care for it. Similarly the trade in domestic wild animals could be controlled by

acts governing interstate commerce. Measures such as these would be an inexpensive and simple way to help end a cruel and unnecessary trade.

#### ADMINISTRATION AGAIN LIMITS EXPANSION OF FOOD PROGRAMS FOR CHILDREN AND THE NEEDY

Mr. HUMPHREY. Mr. President, the administration is again playing budgetary politics with our Federal child nutrition and emergency food service programs.

As most Senators will remember, last year we had almost a constant go-around with the administration and the Department of Agriculture with regard to appropriate funding for the school lunch and breakfast programs, followed by similar battles concerning food stamp programs regulations and funds.

The administration this year is now taking a hold-the-line position regard-

ing funding these programs. While their budget requests for fiscal 1973 are about what they were in fiscal 1972, the costs for operating these programs have risen. Holding the line on total budget outlays for these programs will likely result in a net reduction in child participation. It also will deprive other children who have not participated from doing so. And for others, it may mean fewer benefits or higher costs to participate.

Mr. President, the American School Food Service Association has compiled an analysis of the administration's child nutrition budget for fiscal year 1973, which I ask unanimous consent to have printed in the RECORD. I also ask unanimous consent that the statement of Josephine Martin, chairman of the legislative committee of ASFSA, be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CHART NO. 1.—ANALYSIS OF CHILD NUTRITION BUDGET—FISCAL YEAR 1973

	USDA 1972 current estimate (in thousands)	USDA 1973 budget estimate (in thousands)	ASFSA 1973 budget request (in thousands)	1973 meal estimate (in millions)		Assistance level per meal (in cents)	
				SFS	USDA	SFS	USDA
1. Cash grants to States for meal reimbursement:							
School lunch—Sec. 4	\$252,000	\$274,000	\$447,000	25.0	25	10.0	6.1
Free and reduced	545,000	587,500	612,212	8.0	7.7	42.8	42.8
School breakfast	31,000	33,000	53,600	1.5	1.42	20.0	13.0
4. Cash grants to States for—							
Nonfood assistance (equipment)	16,110	16,110	85,000				
State administrative expense	3,500	3,500	10,000				
Nonschool food program	49,000	49,000	75,000				
Total	896,610	963,110	1,282,812	(=386,000)			

<sup>1</sup> All ASFSA estimates based on 178.8 school days.

<sup>2</sup> Estimates of need by State school food service directors. Recommend budget for 1973 fiscal year with carryover authority.

#### ADMINISTRATION LIMITS EXPANSION OF FOOD PROGRAMS

(Statement of Josephine Martin)

I am Josephine Martin, and I am administrator of the school food service programs for the Georgia Department of Education. I am here today representing the American School Food Service Association, an organization of 47,000 members.

I wish to thank the committee for this opportunity to testify on the appropriations for child nutrition programs in fiscal 1973. This is also the first chance I have had to officially thank you for the increase in funds for the 1972 FY which the Congress authorized in November, and I now do so. Those additional funds have opened our eyes to the potential of child nutrition programs if they were adequately funded. Hungry children can not learn; one way to improve education is improved child nutrition programs.

I shall speak only briefly, and ask that several charts and tables which support my testimony be inserted in the record.

The position of the American School Food Service Association can be summarized in these points:

The budget which the USDA has submitted, and which forms the basis of your actions on appropriations, is inadequate:

It does not tell the Congress what is happening in the program;

It will not provide children in school and out with the nutritional services they need;

It does not support the States and the local school districts in their efforts to respond to the problems and needs of children and families in their community.

We humbly ask that the Congress make a new start in child nutrition by adopting a funding program which will:

First, attack the general need for greater fiscal support in the child nutrition program, a problem which inflation has caused;

Second, strengthen new programs in child nutrition which are designed to meet new needs in the community;

Third, support the States by permitting them to make the decisions as to how problems in the State and community should be met;

Fourth, adopt fiscal and budgetary management procedures which will encourage the States and communities to adequately serve the nutritional needs of children.

To do these things, the American School Food Service Association asks that this committee and the Congress adopt a 9-point fiscal program to:

1. Increase appropriations by \$386 million, rather than the \$67 million requested by the USDA.

2. Raise the general reimbursement rate per meal for lunches to 10 cents, while providing an additional 42.8 cents per meal for lunches served free or at a reduced price.

3. Provide an average 20 cent per meal reimbursement for all meals served at breakfast.

4. Increase the funds available for non-food assistance to \$86 million rather than the \$16.1 requested by the USDA.

5. Increase the non-school food program budget to \$75 million.

6. Authorize Chief State School Officers to determine the allocation of research and development funds provided under the program for the States.

7. Appropriate funds to begin planning for the submission of a child nutrition budget at least 12 months in advance of the actual appropriation.

8. Adequately support the administrative costs of child nutrition programs for the

States. Congress has made 10% of the funds appropriated to the States for nutrition programs for the aged available for administration. Title I (ESEA) makes 1% of the funds available for State Administration.

9. Provide funds for nutrition training and surveys that will permit the States to develop means of using school food service as a nutrition education laboratory.

We make these requests because we believe the child nutrition programs are being starved for financial support. We recognize that the USDA in its testimony said that progress is being made in these programs, and that this progress will continue under the budget proposed by the Department.

We have carefully analyzed the data submitted by the USDA for the fiscal 1973 budget, and we find a number of items which raise a question as to how realistic an appraisal you have received of the performance and need in child nutrition programs.

For example, the explanation of the budget indicates that 8.4 million children can be served each day next year with free or reduced price meals. However, the USDA budget will only allow 7.6 million children to be reached each day of the 178.8 day school year; the program should be serving upward of 8 million or more.

Similarly, the overall level of participation seems to be geared to serving 27.5 million children, when in fact the budget is based on reaching 25 million children.

In our proposal we have adjusted the USDA budget figures to reflect the actual, and not the inflated performance goals on a daily basis. If this statistical inflation is taken out of the budget, and the projected goals for fiscal 1973 are compared to the current performance level of the program, then an entirely different and more accurate picture emerges.

The fact is that the child nutrition programs are in trouble, and the budget you have been given by the USDA does not address itself to the needs we face in the States. Let me cite a few examples:

1. The school lunch program has stopped growing. Since October the number of students served on a daily basis has leveled off at about 22.8 million, and the figure has not changed appreciably from one month to the next. A survey conducted among State directors in preparation for this testimony indicates that at the proposed level of reimbursement, the program will serve only 23.1 million students a day next year, or only slightly more than in this school year. (chart No. 2) We should not be satisfied with serving only 25 million of the 43 million children in school, but with the resources we are given, we can not even attain this minimal goal.

We believe that several trends are operating which trap the school lunch program at this plateau, including:

a. Schools are dropping out of the lunch program even as others join because more school boards are unable or unwilling this year to make up program deficits;

b. More needy children are being added to the program, but the number of paying children has declined sharply in the past year;

c. The cost of food, materials and labor is going up, and the quality of meals is declining. USDA figures show an increase of 8.5 cents per meal over the past two years.

The later trend is not new. The USDA found in a 1965 survey that about a third of the lunches were below the type A Standard. This affects acceptance, as does the fact that a typical school lunch menu today contains more carbohydrates than I would prefer.

However, when the paramount consideration is cost, the menu must substitute bulk for quality nutrients. For this reason we find the recent increases in food prices are especially troublesome. These increases, combined with a standstill lunch budget, leaves the school lunch operators with only two alternatives, each worse than the other. Either way program growth will not be resumed.

We can develop less expensive menu patterns, but only by serving more "depression" style meals; or we can increase the price of the existing meal.

We do not want to raise lunch prices, for a very simple reason: The child who will be forced out of the program will be those whose parents are blue collar and moderate income salaried workers, families who are not poor but who struggle to live on an income that doesn't stretch anymore to meet rising costs. In other words, the average man who feels that he is carrying more than his share of the burden already will be hurt the most.

2. We also believe that the USDA budget fails to recognize that schools and communities are developing new and better ways to meet the nutritional needs of the children. The USDA, for example, told the Congress recently that the breakfast program would be used only to supplement the lunch program. Yet, everyone who has been in schools recently would know the breakfast program is rapidly becoming a permanent and complementary nutritional service to the lunch program. Senator Herman E. Talmadge stated two weeks ago, "What goes into a child's stomach from a school breakfast or lunch can be as important as what goes into his head from textbooks—I would like to see the breakfast program operated on the same basis as school lunch—available where needed for all needy children."

Other programs are also expanding. As a result of federal legislation in child care and development, the number of child care centers has grown dramatically. In the past two years, the number of programs served through the nonschool food program has increased from 1,400 centers to over 5,000. The budget proposed by the USDA, however, will not support the demand for additional pro-

grams (1,500-3,000) requested by the States.

We are told further, as you have been told, that a major goal of child nutrition programs is to provide food service within three years in all schools which are unable to serve meals to children. Yet, the USDA is proposing no further increase in funds to pay for equipment and materials. The recent American School Food Service Association survey indicates that only 52% of children are expected to have lunch in 1973. Many schools can not increase meals because their facilities are totally inadequate to prepare and serve food to more children.

These are some of the reasons we are requesting the Congress to raise the overall child nutrition funding level to \$1.3 billion for fiscal 1973. The budget proposed by the USDA is inadequate; it will not enable the States to increase the level of nutritional services for children in their school and community.

For comparison purposes, let me refer you to chart I in the attachments to my statement. This sets down the amounts requested by the USDA as against the recommendations of the States.

Our recommendations are based on a careful evaluation of program needs by the State school food service directors. We regret that the USDA figures do not reflect the recognized needs of those who operate programs; we would prefer to come before the Congress with major differences in funding needs resolved. Unfortunately, we have not been consulted on fiscal and budget questions in any major way, even though PL 91-248 mandated that the States and the USDA undertake a far greater responsibility in child nutrition.

We have, in comparison to the USDA, minuscule planning resources. Within the limits of these resources, however, we have attempted to bring you our best assessment of the need.

That need, simply put, is for an appropriation of \$1.3 billion in cash grants to States for child nutrition, or an increase of \$386 million over fiscal 1972 funding levels. If it is allocated as we recommend, then we believe the lunch program can re-establish a growth pattern, that schools and communities can begin to utilize the new programs that changing times require and the States can perform as full partners in programs to improve the nutritional health of children.

Without your help, however, there is little reason to hope these goals can be achieved.

Thank you for the privilege of testifying before your committee today, and I will be happy to respond to your questions.

#### COST ANALYSIS AND 1973 PARTICIPATION ESTIMATES SCHOOL LUNCH, BREAKFAST, AND NONFOOD ASSISTANCE

(Summary prepared from information submitted by school food service directors, March 1972)

Average total cost per lunch:  
Actual cost of food (cash outlay) per lunch, \$0.2862.  
Value of commodities per lunch, \$0.0832.  
Actual labor cost per lunch, \$0.1979.  
Other expenses per lunch, \$0.0613.  
Total cost to produce a lunch, \$0.6286.  
Average total cost per breakfast:  
Actual cost of food (cash outlay per breakfast), \$0.1560.  
Value of commodities per breakfast, \$0.0327.  
Actual labor cost per breakfast, \$0.0671.  
Other expenses per breakfast, \$0.0192.  
Total cost to produce breakfast, \$0.2750.  
What do you anticipate will be the total number of meals you expect to serve in FY 73 for each of the following categories?<sup>1</sup>  
Total lunches served (including free/reduced cost lunches, 4,331,097,338.  
Total free/reduced cost meals, 1,410,540,218.  
Total breakfast, 268,019,210.

<sup>1</sup> 178.8 average school days per year.

What do you anticipate will be your non-food assistance needs for FY 73 for: (42)

No program schools, \$28,700,000.

Program schools, \$57,335,000.

Mr. HUMPHREY. Mr. President, one of the areas where the administration intends to hold the line on additional outlays is nonfood assistance. Senators will note that the ASFSA analysis shows that the administration is planning to ask for only \$16 million for fiscal 1973, the same as for this fiscal year, whereas ASFSA is requesting that \$85 million be appropriated for this purpose. Thousands of schools in this Nation are without any food programs for their children today because they lack cafeteria or kitchen equipment to prepare or serve the food provided through them. This need of course is the greatest in the poorest of school districts.

Mr. President, I want the RECORD to show that I fully and strongly support ASFSA's request for increasing our Federal child nutrition budget beyond what the administration has asked for. In a nation where we expend billions to limit the production of food, we cannot play budgetary politics with funds needed to make our food abundance available to our children and those who are economically disadvantaged.

Another matter I wish to comment on is the administration's withholding of funds appropriated by Congress to finance the emergency food and medical services program of OEO.

Senators may recall that 1971 legislation authorizing the extension of the OEO contained funds earmarked for the emergency food and medical services, and that the Senate Appropriations Committee report for fiscal year 1972 contained a directive that funds be spent for emergency food and medical services. Unfortunately, the fiscal year 1972 budget request for emergency food and medical services was reduced by the Office of Management and Budget to only \$3.5 million—\$42.2 million was spent for this important program in fiscal year 1971. Even action taken to provide an additional \$20 million in the regular appropriation for fiscal year 1972 failed to secure the release of these funds. Subsequently, 42 Senators wrote to the President to urge continued support for the emergency food and medical services; that letter received a negative reply.

The Senate last week passed the Second Supplemental Appropriations Act for fiscal year 1972 (H.R. 14582). That bill contained an expansion of funds for emergency food and medical services. Without these funds the 700 projects that are now in operation are likely to be reduced to 150. These programs, as most of us know, consist of supplemental food programs for pregnant women and young infants, food growing cooperatives, research into intestinal parasites, and more effective school lunch administration.

Mr. President, in that H.R. 14582, as passed by the House contained less money for the emergency food and medical services program than the Senate. I want to urge the Senate conferees that they insist on the Senate amounts. We must, as I said before, stop playing budgetary politics with the lives and health of our Nation's children—especially the

poor who have no alternative sources of help to turn to.

### THE COST OF FOOD

Mr. BROCK. Mr. President, much has been said recently about the cost of food. Everybody is pointing the finger at everybody else as the culprit behind the rising grocery bill.

I do not pretend to have a simple answer to this complex problem. I would, however, like to call the Senate's attention to a recent editorial in one of my State's newspapers. The editorial, I feel, sheds a light on some of the factors behind the rising cost of food.

Headlined "Why Food is High," the editorial, published in Paris, Tenn.'s Post-Intelligencer, explains that "Food on the farm is not food on the table" and gives examples of some of the cost pressures between the farm and the table which are affecting today's prices.

Mr. President, I ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### WHY FOOD IS HIGH

Of great concern to the average American housewife in recent weeks has been the rising cost of food in stores and markets across the country. Much has been said and written on the reasons why food prices are up, and why the gap between the price the farmer receives for his product and the price the consumer has to pay in the store. There is a certain amount of confusion about prices and what causes them to fluctuate.

Most food stores are genuinely supporting the government's objectives of stabilizing prices and holding down the cost of living. But the store or market is caught in a price squeeze too, and it must pass along to consumers at least some of the higher prices it has to pay for the items it sells.

Food retailers are under two types of controls affecting prices. They are permitted under Phase II to vary prices up or down as their wholesale costs fluctuate, so long as their price increases do not exceed a certain percentage markup. Secondly, their rates of profit must be held at a level no higher than that earned during any two of the last three fiscal years.

Even so, there are some basic reasons why prices have gone up. Most canned goods have been substantially increased since the first of the year, and we refer to the wholesale increases . . . the cost of the canned goods to the retailer. Fresh fruits and vegetables are uncontrolled and subject to wide variations depending on current supply and growing conditions.

Increased packaging costs can cause retail food prices to go up. Paper bags, we are told, have gone up 10 per cent since the beginning of Phase II. Beef carcasses purchased from processors by retail markets have zoomed, causing beef prices to go up sharply. Wages, taxes and most every other cost of doing business have also increased since wage-price restrictions went into effect and transportation costs have gone anywhere but down.

There are just a few examples of why food prices are up. Food on the farm is not food on the table. A lot goes on in between.

The retail grocer would much rather sell you a grade A beef roast at 69 cents a pound than at \$1.19. But he has got to make a profit to keep his doors open. The problem is the high cost of packaging, canning and processing food from the time it's harvested until it goes on the grocer's shelf. Until those costs

can be reduced, the price of food will remain high.

### NURSING HOME FIRE

Mr. PERCY. Mr. President, this weekend a fire swept through the Carver Convalescent Home in Springfield, Ill., killing 10 patients and seriously injuring 31 others. Ironically, the nursing home had been inspected for fire safety precautions only 2 days prior to the fire. Officials are now investigating the cause of the fire, which remains undetermined.

Mr. President, although the cause of this fire may be open to question, it is clear that we bear a heavy responsibility for maintaining close and constant surveillance of the conditions which exist in nursing homes across the country. The Springfield tragedy should serve as a forceful reminder to us of this responsibility.

On Sunday of this weekend I made unannounced visits to a number of nursing homes in the Chicago area. During my visits, I asked the residents directly what they would do in case of fire. A high percentage—too high, in my opinion—of the residents responded that they had no idea whatever how to proceed in case of fire. In addition, I found that immobile patients are kept in areas from which they could not readily escape—even with the assistance of someone else—and that the fire extinguishing equipment itself is so heavy and cumbersome that the people who would need to use it could not possibly do so with any ease.

According to the Senate Aging Committee staff, nursing homes are No. 1 among unsafe places to live. In light of this reputation, I believe that nursing home operators and State inspectors would be well advised to review immediately the adequacy of their own fire safety programs and procedures.

Mr. President, I ask unanimous consent that newspaper articles giving information on this nursing home fire be printed in the RECORD:

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Chicago Today, May 8, 1972]

#### NURSING HOME FIRE PROBED

SPRINGFIELD, ILL.—State fire and public health officials meet here today to study the safety violation record of a Springfield nursing home where fire killed 10 elderly patients.

The death toll at the Carver Convalescent Center climbed to 10 yesterday when a woman died of burns.

Nine other patients were killed in the Saturday fire.

The 31 other residents suffered either burns or smoke inhalation.

Dr. Franklin Yoder, director of the Illinois Public Health Department, said an inspection of the provisionally certified home on March 30 revealed several deficiencies that constituted a fire hazard. He said a followup investigation last Thursday showed "most major deficiencies had been corrected."

Among the deficiencies cited in March were no evacuation plan in case of fire, no emergency lights at exits and lack of proper fire-fighting training for personnel.

State Fire Marshal Joe Patton was to meet with Yoder and representatives of the public aid and mental health departments. About

90 per cent of the patients at the center were on public aid, Patton said.

Dr. Byron Weisbaum, a Springfield ophthalmologist and owner of the two-story home, said many of the patients were recently released from Jacksonville State Hospital and a facility for the mentally retarded at Lincoln.

Yoder's office issued the nursing home a one-year provisional license last August.

The cause of the blaze has not been determined.

"I don't know if we'll ever come up with a cause because the home is so badly burned," Patton said.

[From the Chicago Tribune, May 8, 1972]

#### PERCY SEEKS PROBE OF FIRE AT REST HOME

(By Pamela Zekman)

Sen. Percy [R., Ill.] yesterday criticized the lack of fire drills in Illinois nursing homes and said he has asked the National Fire Protection Association to conduct an investigation into the blaze Saturday in a Springfield convalescent center.

Meanwhile, state fire and public health officials said they have called a meeting today to investigate alleged health and safety violations at the nursing homes.

State Fire Marshal Joe Patton said he will meet with Dr. Franklin Yoder, state public health director, and representatives of the Public Aid and Mental Health Departments.

The blaze claimed its 10th victim yesterday, with the death of Mrs. Cleo Evans, 77. Mrs. Evans was critically burned in the fire Saturday. Thirty others were injured in the blaze.

#### QUESTIONS PATIENTS

Percy, on a whirlwind tour of four North Side nursing homes, questioned patients in detail about fire prevention programs. He said that he has yet to visit a home that holds regular fire drills. Patients told him they did not know what they would do in case of a fire.

"I guess I'd trust in God," said Mrs. Alice Burns, a 2d floor resident of the Birchwood Beach Home, 7364 N. Sheridan Rd., who is confined to a wheelchair. "He's busy, I know, but that's all I could do."

Percy blamed nursing home operators for not adhering to existing legislation that requires regular fire drills. "The tragedy is that these patients are mostly immobile, making the drills particularly important," he said.

#### HOME UNLICENSED

Percy said he was shocked to find 76 patients living in the 109-bed Kenmore House home, 5517 N. Sheridan Rd., which has been operating without a license for a year.

The home lost its license in the wake of Tribune Task Force and Better Government Association disclosures of filthy conditions there and a cost-saving device whereby the former owner fed patients on scraps uneaten by their fellow patients.

The new owner, Mel Angell, said the state has refused to place new patients in the home until it obtains a new license, but has not removed the existing patients.

#### FINDS IT "LUDICROUS"

"It seems ludicrous to me that these people, for the rest of their lives, could be in this home, even tho it has no license," Percy told Angell. "I am perplexed about why these patients weren't transferred."

It was Percy's second visit to Kenmore House, and the second time he found the home in the midst of a "paint-up, fix-up campaign." He said that the change in the home was "dramatic."

### THE MINING OF HAIPHONG

Mr. KENNEDY. Mr. President, if the decade of death and devastation we have

brought to Vietnam has taught us any single lesson, it is the lesson that the road to peace is not the road of wider war.

And now, because President Nixon has once again so clearly failed to learn that lesson, the United States and the world community of nations have this morning entered a new and far more deadly and dangerous era in the war.

In 1968, 4 years ago this spring, in the fourth year of his Presidency, Lyndon Johnson began to take the first real steps offering the fragile hope that America could find its way out of Vietnam. Now it is 1972, and by some cruel irony, in the fourth year of the Presidency of Richard Nixon, in spite of all the promises we have heard to end the war, we have witnessed one of the most drastic steps America has ever taken in the entire history of the war.

Now we begin to see the ultimate horror of the President's policy on the war and the chain of events he has set in motion. Let there be no mistake about it. The mining of Haiphong is an escalation of a completely different order of magnitude from any we have known before in Vietnam. For the first time in the history of the war, an American President has brought us into a clear and ominous confrontation with the Soviet Union on Vietnam. It is not just American troops on the battlefield, but American cities and the lives of 200 million American people here at home who are now being gambled by the President in his decisions on a war 10,000 miles away. No conceivable American goal in Indochina can possibly justify that risk, and I urge the President to pull back from the nuclear brink toward which he has begun to lead us all.

To me, the mining of Haiphong is a senseless act of military desperation by a President incapable of finding the road to peace. Again and again in the tragic history of American involvement in Vietnam, President Johnson wisely resisted the siren call of the military planners for the mining of Haiphong. Now, President Nixon has succumbed to that foolhardy proposal, and the mines are being dropped.

In a sense, the dropping of the mines is the most vivid demonstration we have yet had of the total failure of the President's plan to end the war in Indochina and the bankruptcy of his plan for peace. For years, we have known the vast international risks of mining Haiphong, and the negligible military benefit it can bring on the battlefields of South Vietnam.

What sense does it make to challenge the Soviet Union in the coastal waters of Indochina, when we ought to be challenging the North Vietnamese at the peace table in Paris?

What sense does it make to mine Haiphong in North Vietnam, when weeks and months will pass before the action can have any possible effect on the offensive in South Vietnam?

What sense does it make to block a harbor from the sea, when years of bombing have never been able to block the supplies moving overland from North Vietnam to the south?

What sense does it make to adopt a military course of action on the war with a maximum of potential confrontation with the Soviet Union and a minimum potential gain in Indochina?

It never had to be this way. After tens of thousands of American lives have been lost and tens of billions of dollars have been spent, after hundreds of thousands of North and South Vietnamese have been killed, after millions of civilian victims have felt the awful horror of the war, the world is ready for peace in Indochina, and all the President can find to give is war.

And now, because of our blindness on the war, more Americans and more North and South Vietnamese troops will die, more innocent men and women and children will be killed, more American prisoners will be taken, and all our hopes for reconciliation with the Soviet Union are placed in jeopardy.

I yield to none in my condemnation of the invasion from the North. But I also know that the way to the peace table lies clearly at the entrance to the conference table in Paris, not at the entrance to the harbor of Haiphong. So long as we have a President who is imprisoned by the war, so long as we have a President whose only reflex is the sort of knee-jerk belligerence and aggression we heard last night, so long as we have a President whose only real goal is the pursuit of the phantom of military victory on the battlefield, we shall never have peace in Indochina.

#### THE SECURITIES INDUSTRY AND THE INVOLVEMENT OF ORGANIZED CRIME

Mr. PERCY. Mr. President, I had the opportunity today to present to the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs, some of the findings of the Permanent Subcommittee on Investigations, Government Operations Committee, relative to our recent hearings on the securities industry and its infiltration by organized crime. I felt that the facts we were able to uncover by our investigations clearly show that the heavy annual loss of securities in this country can be attributed to the easy availability of paper certificates for theft and the movement of those securities through illegal channels by members of organized crime and those connected with organized crime.

The full testimony which is available in the committee's hearing record describes in considerable detail the statements of five major witnesses, all felons, our subcommittee heard who had been convicted of securities-related offenses.

Because I feel that this matter is of such domestic economic consequence and that each Member of the Senate will find the Government Operations Committee hearings of interest, I will summarize our findings and my recommendations.

There is a growing, serious problem in the financial community which baffles even the most expert bankers and stock brokers of Wall Street. That problem is the increasing theft of private and Government securities. Statistics compiled

by the National Crime Information Center indicate that in 1970, \$227,397,837 in securities was actually lost due to theft. Even more alarming is the fact that losses for the first half of 1971 were more than double what was lost in all of 1970. The stock brokerage industry estimates that \$1.2 billion in securities are either stolen or missing and that the bulk of them are being utilized in illegal operations throughout the world.

The theft and counterfeiting of securities is therefore not just a problem of serious domestic economic consequence but it has international repercussions as well.

The Permanent Subcommittee on Investigations of the Government Operations Committee initiated a series of hearings last year on organized crime. Our first investigations dealt with the infiltration of organized crime in the securities industry. Our findings help to reveal the nature and extent of securities thefts and the extensive involvement of organized crime.

In my longer statement for the record, I describe in detail the activities of five major witnesses our committee heard who had been involved in securities thefts. All are convicted felons, either serving or having served sentences for securities-related thefts.

Two of the witnesses, Robert Cudak and James Schaefer, furnished valuable information as to the easy availability of paper securities. In a rather intriguing fashion, Cudak and Schaefer related how they got into the securities thefts. Robert Cudak first took a job as a ramp man at JFK International Airport. He soon noticed that there was almost no security of mail transfers, or Railway Express and air freight shipments. With the aid of his partner, Schaefer, and several other thieves, Cudak began an extensive operation of taking jewels, cash, stocks, bonds, and other valuables from the terminal areas of 15 major airports in the country. Cudak's share of the theft ring was approximately \$1 million, with more than \$79 million being taken from JFK alone.

Neither Cudak or Schaefer were members of organized crime. However, through their mob connections, they were able to fence their loot. At least four of 11 fences whom Cudak named in testimony before our committee were known by law enforcement officials to be prominently engaged in organized crime.

In the early days of Cudak's activities, he and his associates failed to recognize the value of securities. Later they found ways to convert the securities to cash, principally through the mob, and the theft of securities became a significant part of their operation.

The testimony of Cudak and Schaefer revealed two important facts. Because securities are represented by a negotiable paper, there frequently exist opportunities where these physical documents are subject to theft. The lax security at airports offers one excellent example. With paper securities we encounter a sizable risk of theft.

Second, Cudak and Schaefer helped our committee document the fact that organized crime plays an integral role in

securities thefts. Without that involvement, stolen or counterfeit securities might not be as easily fenced. For the mob, its involvement appears to be in fencing the stolen items, rather than actually stealing them. They are the go-betweens.

The other three principal witnesses our subcommittee heard were men who associated with the mob in order to convert counterfeit or stolen securities into cash. They were Vincent Teresa, Edward Wuensche, and Michael Raymond.

Vincent Teresa, at the time he appeared before our committee, was serving a 5-year sentence for possession and transportation of stolen securities. Although a great deal of his operation in stolen securities was accomplished through mail robberies and airport robberies, Teresa testified that the bulk of his early thefts were accomplished by "inside jobs," within brokerage houses. Teresa testified that he looked at or handled \$25 to \$30 million in stolen securities during his operation.

Another aspect of his involvement was Teresa's ability to arrange loans based on stolen securities or bonds. The collateralizing of loans in this fashion became a lucrative business.

Vincent Teresa's testimony brought out a well-known aspect of securities thefts—that they are frequently used to collateralize loans with legitimate banking institutions. The operation is apparently successful because bankers do not have an established system whereby securities that are presented are checked against fraud and illegal possession.

Edward Wuensche's testimony had much in common with that of Teresa. His was also a kind of "white collar crime." He related to the subcommittee that he resold securities through brokerage firms, placed or caused to be placed stolen securities in banks as collateral for loans, and took stolen securities outside the United States for placement in foreign banks and financial institutions. Again, there was heavy involvement by members of organized crime.

Not only was Wuensche able to "market" his stolen merchandise through "friendly unsuspecting bankers," but he found little difficulty in utilizing foreign institutions as well.

Michael Raymond, the third confidence man, was one of the most valuable witnesses ever to appear before our committee. He developed a technique of using payment guarantee bonds. Stolen securities were used as collateral for payment of bonds. During the 6 years he was involved in stolen securities operations, Raymond personally saw or knew about \$100 million of stolen securities. He pointed out that organized crime cannot operate without the complicity of so-called honest, aboveboard persons and institutions.

Several recommendations may well be drawn from the sworn testimony we received from convicted felons.

First. Security procedures should be tightened. A bank must always check with a transfer agent whenever a client not known to the bank requests a loan. Stocks not in the borrower's name should automatically be checked.

Second. Continuous audit practices should be closely supervised and controlled.

Third. Greater care should be taken in the screening of personnel hired by banks and brokerage firms.

These are all administrative remedies, however. There is obviously a role that the Congress can and should play.

In the testimony before this committee as well as my own subcommittee, there appears to be widespread support for immobilizing securities and eventually moving toward a "certificateless society." I certainly agree with this objective, inasmuch as it is possible to achieve.

As I pointed out in our hearings, one of the most difficult aspects of the change will be in educating the public and enabling them to "live" without the physical evidence of their investment.

Although some will argue that the potential for fraud in a computerized system of bookkeeping is just as real as with paper certificates, I feel that with careful planning and oversight by the Congress and the executive branch that the threat can be reduced if not eliminated. It might be necessary for a person to have the option of owning paper securities. It may also be necessary to maintain paper certificates for international transactions for a greater length of time than in the domestic market.

But it seems clear that the present system not only encourages theft but is cumbersome, time consuming, and inefficient.

I believe that as we move to set up a national securities depository, a National Commission on Uniform Securities Laws as outlined in S. 2551 would be valuable to study and recommend new uniform State laws.

A national depository for securities seems to be inevitable. Centralizing the handling of securities in one locale, such as New York, will have disadvantages, however, as the Midwest Stock Exchange has testified. The Midwest and west coast must play an important role as active partners in any new system.

I urge the committee to approve legislation that will make the transition to computerized securities deposits as free of fraud as possible, with appropriate Federal control by the Securities and Exchange Commission. I should carefully study whether the holding of paper certificates should be optional.

Special attention should be devoted to the transaction of securities in foreign markets. The United States should take steps to negotiate agreements with foreign countries for tighter control of transactions and initiate steps toward immobilizing securities. Since the Foreign Relations Committee, on which I serve, plans an extensive study of multinational corporations and international financing, I believe that this is one possible area we might be able to explore further in that committee.

#### REPRESSION IN SAIGON

Mr. CRANSTON. Mr. President, I invite the attention of the Senate to two articles published recently in the New York Times and the San Francisco Chronicle on the current state of "democracy" in South Vietnam. The notion

that President Thieu's dictatorship in Saigon is "democratic" simply because it is anti-Communist is ludicrous.

How long must we go on serving the interests of a government which relies on arrests, censorship, and torture to silence its critics? Is this government part of the so-called free world? Why do those who support the bombing of Hanoi and Haiphong rail against what they call "Communist tyranny" while political prisoners languish in Saigon jails?

On March 22, Mrs. Ngo Ba Thanh, a graduate of Columbia University, a leading critic of the war, and a victim of asthmatic attacks for the last 6 months, was carried to a military court in Saigon on a stretcher. The charges accused her of having engaged in "activities harmful to the national security," having organized an "illegal organization," and having distributed printed matters that "undermine the anti-Communist potential of the people." These McCarthyite proceedings reflect the political thinking of a dictatorship. And as for undermining the supposedly anti-Communist potential of the people, we have plenty of contrary proof that the real culprits are those who plot the perpetuation of this drawn-out war and those who pursue the policies of the corrupt and dictatorial Thieu government. The morale of South Vietnamese troops is at a new low. Describing the fall of Hoaian, for example, the Washington Post of April 21 quoted a lieutenant colonel as saying:

They didn't patrol. They didn't go out and look for the enemy . . . It just wasn't a good job.

In the end, an American adviser watched the last government troops drop their weapons and flee.

Meanwhile, in Saigon, student leaders continue to be jailed and tortured. Eighty to 100 students face charges similar to those leveled against Mrs. Thanh. Those who accurately denounced last October's so-called election as a farce now face torture and beating.

Mr. President, these scandals were discussed in two recent articles, one in the New York Times of March 22, and one in the San Francisco Chronicle of April 8. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1972]  
TRIAL OF AILING CRITIC OF SAIGON REGIME IS POSTPONED

SAIGON, SOUTH VIETNAM, March 22.—Mrs. Ngo Ba Thanh, a leading critic of the Saigon Government and the war, who has been in prison and has been suffering asthmatic attacks for six months, was carried to military court in downtown Saigon on a stretcher today to face charges of having engaged in activities harmful to national security.

But the trial was postponed indefinitely after a doctor testified before the filled court that Mrs. Thanh was in critical condition and in need of immediate medical attention. Mrs. Thanh, a 40-year-old lawyer, suffered what appeared to be an asthmatic attack as she lay on the stretcher at the courthouse entrance waiting for the trial to begin.

#### LAWYER SEEKS RELEASE

Mrs. Thanh was arrested Sept. 18 after participating in an anti-Government demonstration led by a former lower house deputy,

Ngo Cong Duc, Mr. Duc was not arrested then but was later convicted in absentia of having left the country illegally. The demonstration was called to protest the uncontested presidential election held on Oct. 3, in which President Nguyen Van Thieu was re-elected.

Nguyen Long, Mrs. Thanh's lawyer, has been calling on the authorities for Mrs. Thanh's release because of her poor health which, he asserts, is directly related to prison conditions.

Mrs. Thanh is a key figure in several peace groups here. The small, energetic woman, who holds a degree from Columbia University in New York, has met many visiting United States Congressmen in the last several years to tell them of the position of President Thieu's opponents.

According to her lawyers, Mrs. Thanh has been charged with three offenses—having engaged in "activities harmful to the national security," having organized an "illegal organization," and having distributed printed matters that "undermine the anti-Communist potential of the people."

Mrs. Thanh heads a group of Vietnamese women called the Vietnamese Women's Movement for the Right to Live. Her lawyers, however, vigorously deny that she is guilty of any crime.

"She came to a demonstration and was arrested while others were not," one of her three lawyers, said. Another added that all charges against her were ungrounded and that they were "only excuses for her arrest and detention."

Shortly after arriving on a stretcher before the regional area military field court, Mrs. Thanh appeared to suffer an asthmatic attack. With sweat dripping from her pallid face, she choked and coughed, and her breathing grew rapid.

A doctor arrived minutes later and injected Mrs. Thanh with tranquilizers and a heart stimulant after it appeared, briefly, that her respiration and heart had stopped.

The doctor pleaded with five judges, military officers, for the woman's immediate release for treatment at a nearby civilian hospital. "Mrs. Thanh is in very serious condition," he said. "Her heartbeat is up and down. She can die at any moment."

The judges recessed for 30 minutes before announcing that the woman's trial would be postponed indefinitely to allow her appropriate medical treatment. However, they added that she must be returned to prison.

[From the San Francisco Chronicle,  
Apr. 8, 1972]

#### SAIGON STUDENTS BLOODY PROTEST (By Thomas C. Fox)

SAIGON.—Ten high school and university students, charged with illegal political activities, disrupted their first day in court last week by slashing their wrists and chests and shouting anti-government slogans.

The students, on trial for "engaging in activities harmful to the national security," were the first of scores arrested in the past five months to come to trial. The government charges against the students stem from their activities during the presidential campaign last autumn in which Nguyen Van Thieu was the only candidate.

Student protests have been on the rise during the past few weeks as several more student and faculty members have been arrested for political activities. Demonstrations have broken out in Hue and Saigon and ended in tear-gassing confrontations with riot police.

#### RAZOR

The trial was brought to an abrupt end when one of the students, Le Van Nuoi, the 20-year-old chairman of the Saigon Student High School Association, pulled out a razor, slashed open several arteries in his arm, and

began to write anti-government slogans on the courtroom wall. As military police watched in disbelief, other students on trial slashed their chests and arms and chanted slogans calling Thieu a military dictator and the Saigon regime a puppet government.

Relatives watching the trial screamed out in horror as they tried to reach their sons. The judges hurriedly left the room by a side door.

Le Van Nuoi's mother, in tears, said that her son was only demanding peace and an end to the war. Fifty Buddhist monks who were refused entrance to the trial demonstrated on the streets near the courthouse.

Immediately before the courtroom demonstration began, the five military judges ruled that former Vice President Nguyen Cao Ky must appear in court to substantiate the students' claim that their activity was carried out at his request. The prosecution charged that the students had torn down posters of President Thieu.

#### FIVE MONTHS

The demonstration was finally broken up when military police grabbed the students and forcibly pushed them outside to a prison truck. They were then hauled to the prison where they have been awaiting trial for the past five months.

Several of the students are reported to be in critical condition after their courtroom slashings, but no substantiation has been available.

The ten students were the first to come to trial of an estimated 80 to 100 student leaders the government is holding on charges of having violated the national security clause of the Vietnamese constitution.

#### PRESIDENT NIXON'S DANGEROUS STEP

Mr. MUSKIE. Mr. President, President Nixon told us last night that his policy in Indochina has failed, and that in order to redeem it he is escalating American military involvement.

The mining of North Vietnamese harbors and the bombing of railroads into China are hostile acts clearly directed against the Soviet Union and China. By taking these actions, the President is jeopardizing the major security interests of the United States. The planned Moscow visit and the SALT talks now have an uncertain future. Efforts to move toward detente with the Soviet Union and China have been put in jeopardy. We now risk losing more in 1 day because of this act than could ever have been gained in the President's policies in Vietnam were a complete success.

This dangerous step is not the way to end the war, protect our troops, or gain the return of our prisoners. It is not the road to peace.

By relying on the purely military policy of Vietnamization—intended to equip the South Vietnamese to continue the war—the President not only has failed to end American involvement in the war, but has also reduced chances for a negotiated settlement. By withdrawing troops before coming to a settlement, we have lost bargaining leverage to obtain the release of our prisoners or the protection of our withdrawing troops. The President is now trapped by his own failures, and faced with a series of unpleasant options. He chose the worst option of all—escalation which is both dangerous and desperate.

I have urged for some time that the President offer to withdraw all American

forces from Indochina in exchange for an agreement to return our prisoners and the guaranteed safety of our withdrawing troops. The President has yet to make this simple, straightforward offer. I urge him to do so in order to end the American involvement in this senseless war and move us away from the brink of international disaster.

#### OLDER AMERICANS AND THE RAMIFICATIONS OF MEDICAL ADVANCEMENTS

Mr. PERCY. Mr. President, a constituent of mine, Mr. Theodore Pickard, of Chicago, recently brought to my attention a most interesting and thought-provoking article on the problems created by medical progress for our aging population. The article appeared in the April 7, 1972, issue of Medical World News, and it implies that while we have made considerable technological and medical advancements to prolong life, we have not necessarily enhanced the quality of elderly life.

As the article points out, the number of people over 65 has been increasing at a rate of three times that of our general population growth. The fastest growing of all population groups is the over-75 group. By the year 2030, the elderly population is projected to rise from 20 million to 48 million—out of which 16 million will have reached age 75.

These statistics and our medical successes should make us pause and consider whether or not the "extra" years will be meaningful, enjoyable ones.

The article in Medical World News is worthy of the attention of the Senate. I, therefore, ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE PROBLEMS CREATED BY MEDICAL PROGRESS

"If you go into medical practice, you're going to be doing a lot of geriatrics—whether you like it or not," forecasts Duke University's Dr. John Nowlin to a group of medical students. "If you do like it, the work day will be a lot shorter," adds the assistant professor of community health sciences and member of Duke's Center for the Study of Aging and Human Development.

Many doctors are doing a lot of it right now: "Some 40% of the patients of the internist are older people, and they take 60% of his time," reports Dr. Martin B. Loeb, director of the University of Wisconsin School of Social Work.

Dr. Nowlin was apprising his group of future physicians of an awesome medical, social, and economic fact: The number of Americans over age 65 will continue to increase well into the next century. And Dr. Loeb puts his finger on the significance of this fact to physicians: more elderly people, more medical care. Consider these statistics:

The number of people over 65 has been increasing at three times the rate of general population growth. It now stands at 9.9% of the population, just over 20 million persons, of whom 11.6 million are women.

About one third of these people are past 75. During the 1960s, the number of the over-75 group increased 37.1%, compared with a rate of 13% for those between 65 and 75. The over-75s are the fastest growing of all population groups—unless it be the centenarians, whose number in recent years has increased from 12,000 to 13,000, according to Social Security Administration figures.

Assuming a relatively constant mortality rate and a declining birth rate, the Bureau of the Census expects the proportion of the population over 65 to rise to 16%. Thus, if in the year 2030 the population totals 300 million, there would be 48 million such oldsters, 16 million of them past 75.

A 65-year-old woman now has an expectancy of about 16 additional years, a man about 13 years.

Small wonder that the British gerontologist, Dr. Alexander Comfort of University College, London, warns the insurance companies to look to their actuarial tables. "They have not yet realized that by the year 2000 we may blow the bottom out of their statistics," he says. "Let's try for once to do the social thinking before the thing hits us."

But until medicine can control the aging and death of the human cell itself, doctors will not create a race of Methuselahs. Even if medicine could eliminate all deaths from heart disease, this would add only four years and ten months to adult life. Solving the basic problems of cancer would add only 18 months, says Dr. Carl Eldorfer, director of the Duke center and professor of medical psychology.

Nevertheless, the astounding progress of medicine in the past several decades has helped more and more people to live to become "old folks." But that very progress has raised a significant question: Has medicine served or enhanced the "quality" of elderly life? In Dr. Comfort's view, the aim of gerontology is "to prolong adult vigor, not life itself. Even if you conquer one cause of death, there's always another cause waiting in the wings."

"One of the best indexes of vigor," he says, "is the ability to stay alive as a pedestrian. There is a signal correlation here. You have to be able to see and hear and make decisions to cross a busy street. You have to be able to jump out of the way of a car and to recover if it hits you. If we can just keep you healthier longer, you'll be run down at a later age."

Or, as the Greek adage adopted as a slogan by the American Health Foundation, Inc. puts it, the aim is "to help people die young—as late as possible." The AMA's Committee on Aging calls it maintaining "positive health."

Who are these "old people"? By the definition of the Social Security Act and of corporations that force employees to retire, they are people who have passed their 65th birthdays. But this is a legal and social definition; it bears no necessary relationship to medical reality. In this difficult area, medicine and sociology are hopelessly intertwined.

"As far as we know, nothing says, biologically, that at age 65 somebody shouldn't be as active as he was at 55," says Dr. Eldorfer, "as long as we have a strategy that is oriented toward keeping him healthy. It doesn't have to be that he runs down at age 65; this concept that he does is one of the real problems."

That concept forces many people to retire at age 65, a fact to which many others object. "People who say nobody should ever retire are always intellectuals who never retire anyway, except to write books," notes Dr. Comfort wryly. "If you ask a miner or an auto worker, you might get a different answer."

As a matter of fact, someone did ask retired members of the United Automobile Workers in 1965 and did get a different answer. The UAW and other studies, says Cornell University's sociologist Gordon F. Streib, show that when many "older workers are given the opportunity and an adequate pension, they decide to retire earlier than the normal retirement age. While some may use this as an opportunity to try out a second career, many simply retrench in their financial demands and prefer to take it easy."

A study of over-65, noninstitutionalized men by Dr. Ethel Shanas, a University of Illinois sociologist, found that three out of

ten of them were still working. Only a third of those who had retired had done so because of employer compulsion. The others knocked off because of such reasons as poor health, the job was "too exhausting," or "I just didn't want to work any longer."

Clearly, from the older person's point of view, there should be an option to retire or not, depending upon his desires and abilities. In the Soviet Union, says Dr. Roger O. Egeberg, special assistant to the President for health affairs, a person arriving at retirement age has that choice, provided there is a place where his skills can be utilized, and in that labor-short country, there almost always is. If one continues to work, he draws both full pension, and full pay. "This," says Dr. Egeberg, "makes you the richest person in the family and, believe me, it helps the rest of them to like you."

About three quarters of the over-65s have at least one chronic illness; about half have two. Yet most are not disabled. "Most retired men are functioning well," says Dr. Shanas. "Two thirds report no limitations in their capacity to carry on the ordinary activities of daily life." She adds, "While poor health may cause retirement, retirement apparently does not cause poor health."

Despite the fact that the aged account for 24% of hospital patient-days, they clearly are falling far short of the medical care they need. Though their illnesses are both more prevalent and more severe than those of younger people, they average only about one more physician visit per year, says Dr. Erdman B. Palmore, a sociologist in Duke's division of medical psychology, in a paper that is soon to appear in *Postgraduate Medicine*. He cites a Chicago study of 1,900 Old Age Assistance recipients, fewer than 20% of whom had "good health." Yet two thirds had not talked to a doctor or a nurse in the previous three months; 76% of them should have been taking daily medication, but the majority did not. Analyzing other data, Dr. Palmore found that among every 100 aged poor persons, 40 health aids—such as dentures, eyeglasses, crutches—were needed, but not owned. He adds grimly that the self-reported figures are probably underestimates, since many old people are not aware that they could be helped by such aids.

The major barrier in the way of health care for these people is the dollar sign. In 1969, the median income for an aged family was 48% of that of younger families; one out of four old persons lived below the government-set poverty line; more than half of all older families had incomes below \$4,800.

Wasn't Medicare supposed to take care of all that?

Since Medicare became effective on July 1, 1966, the premium for Part B coverage has risen 87%; about 15% of Medicare recipients cannot afford to pay it at all and thus have no coverage for doctor bills. The Part A deductible has risen from \$40 to \$68. A report of the Senate Special Committee on Aging calculates that a beneficiary who in 1966 had an operation that cost \$400 in surgical fees, and who spent 21 days in a hospital, plus 60 in an extended care facility, would have been out of pocket \$396, including his Part B premium. In 1971, the same episode would have cost \$563.60.

"Medicare covers only 43% of the medical expenses of its beneficiaries," says Walter C. Newburgher, second vice president of the National Council of Senior Citizens. "Because of medical inflation, the other 57% costs him more today than the whole bill would have been before Medicare. He is actually more out of pocket now than he was then. This is why we're now going as hard for a national health insurance system as we once did for Medicare."

"The implication for the practicing physician is that he should not assume that Medicare has dissolved all the financial barriers between him and his patients or po-

tential patients. He should be aware of possible resistance to treatment based on limited income," says Dr. Palmore.

There are still other barriers between doctor and aged patient. Simply getting to and from the doctor's office may be one. Who will chauffeur Grandpa? "If older people don't have a support system, there's a problem," says Dr. Eldorfer. "If they do, there's difficulty in the family. How many people want to spend half their time playing nursemaid to mom or dad? But if they don't, they feel guilty. They're trapped," declares the head of the Duke center.

The aged are less educated than the young; they are more likely to rely upon quacks and nostrums. They may be too uninformed to recognize or evaluate serious symptoms: A study of aging at Duke, for example, showed that 44% of patients who were rated by physicians as being in "poor health" themselves described their health as good or excellent. "The physician should be particularly sensitive to such fears, denials, and lack of understanding of principles of health and medicine that he mistakenly assumes everyone knows," says Dr. Palmore. "Special patience and extra efforts at education and information of aged patients may be required."

Perhaps an even more important barrier between the doctor and the older patient is the attitude of the physician himself who frequently—not to say typically—doesn't enjoy working with the aged. The unesthetic nature of the task is perhaps one of the least of many reasons. Internist Nowlin, working both in Duke's student health service and in its geriatric program, sees the contrast between examining young and old daily in practice.

"I look for different things in each," he says. "I look on a physical examination as an interesting way to get to know people. With older people, I'm interested in their broad attitudes, their memories, their philosophies. No, I'm not attracted by the elderly but they tell me fascinating things. Also they have more problems, and it's gratifying to make more observations and track down more symptoms. With the kids, I'm interested in what they're doing. Which is more fun? I just can't find much difference."

A more important problem, as many see it, is that doctors, being human, reflect the society of which they are a part. Ours is youth-oriented, placing small value on old people. "It's a 'no-deposit, no-return' policy," says Dr. Eldorfer grimly. "We place small worth on the things they have to give—wisdom, memories," agrees one of the Duke psychiatrists, Daniel T. Gianturco.

Society demands a return for its money. At a Duke conference last year, William E. Oriol, staff director of the Senate Special Committee on Aging, quoted a Nixon Administration official as saying that "programs for the elderly resulted in very little 'payoff.'"

"This was a reference to the fact that a man of 65 obviously has less longevity than a boy of 12 and therefore investment in youth would result in more 'payoff,'" Oriol went on. "But why should such a choice have to be made? Why not recognize the importance of providing what aid is needed to help all Americans live independent, fulfilling lives, no matter what their ages?"

But doctors do make that choice. The quick, busy, intense young practitioner, impatient with the slow responses of the old lady to treatment and all too conscious of the crowded waiting room outside, may often be tempted to send her on her way with, "What do you expect at your age?"

"He's not responding as a physician, but as a layman in this society," says Dr. George L. Maddox, professor of medical sociology at Duke. "This is not because of any simple-minded hostility toward old people. He's not so much abandoning them as he is concentrating somewhere else, and I suspect it's

easy to make him feel guilty about that." Adds Dr. Giamurco: "There's a sense of achievement when a doctor helps a 20-year-old who has 55 years to live that some do not find in helping a 70-year-old with three or four to go." Payoff, again.

Doctors reflect society in other ways as well. A great many people, for example, think that sex among older people is somehow distasteful, immoral, or amusing, though Masters and Johnson and others have shown that there are few physiologic reasons why it shouldn't be enjoyed well up into old age. "Some people give up sex for the same reason they quit riding a bicycle," says Dr. Comfort. "Either they haven't got a bike or they think it looks ridiculous."

A physician who shares that attitude can hardly help but let old patients down, and some do. As part of Duke's study of aging, old widows and widowers were asked about sexual activity. A surprisingly high number of men admitted to continued enjoyment; almost no women did so. Dr. Palmore suspects that the figures may be skewed. He wonders whether examining physicians listed no activity for the women because in many cases they were too embarrassed to ask the nice little old lady whether she was still having sexual relations. She couldn't! She looks just like Grandma!

Seeing Grandma in an old patient troubles the doctor in another way. Dr. Maddox believes. "Like the rest of us, he has mixed feelings about his own parents, about old people. A young person says he sees something attractive about an old one, a reminder of his mother, but there is also something threatening—something of his parents' fate and of his own fate to come. Put this together with all the other things, and you've got trouble asking anybody to work in geriatrics on a sustained basis."

Heavy among those other things, of course, is the whole weight of the physician's training—to cure the illness, heal the wound, save the life. "We are traditionally exposed to sick people and we tend to think that everybody who is old is sick," says Duke geriatric psychiatrist Alan D. Whanger, one of only eight practitioners in that subspecialty. "But doctors are not obliged to cure everybody, and we have to come to terms with that situation."

The confusion between aging and sickness really bothers Dr. Elsdorfer. He recalls an incident that occurred when he was intern under Dr. Eugene A. Stead, Jr., then Duke's chief of medicine. Another intern reported that the eyegrounds of a 63-year-old mild diabetic were normal. Dr. Stead asked, "What do you mean? If you'd seen this in a 16-year-old boy, would you say it was normal?"

"He wasn't arguing," Dr. Elsdorfer says. "The condition was within normal limits. But there's a confusion between two kinds of normality—the statistical and the pathological. The statistician says what's frequent is normal, but to the pathologist normality has to do with function."

"Everybody says old people normally deteriorate. We've been studying cognitive decline and we've looked very carefully at a group we followed from 65 to 75. They didn't decline unless they had hypertension, and then they did decline. Forget the research part: What's really important is that this is another example of the confusion between what is normal and what exists."

"If you go to a TB sanatorium, you'll find that it's normal to have tuberculosis, and the staff is deviant. You know that's nonsense, yet among the aged we accept disease as if it were perfectly all right because it's 'normal.' Physicians haven't really gotten that concept, but it's so important in the care of people. You don't diagnose what you don't see. There are a lot of so-called normal things about the old that are in fact contributing

to their loss of function. Why should old people lose function? It doesn't have to be."

Yet another stereotype that the Duke study has shown to be false is that "you can't teach an old dog new tricks." Old people can learn new things quite well if the material is not presented too rapidly. But over their lives they have experienced many failures and for fear of failing again they usually do not respond rapidly. A physician who does not understand this—or who accepts the false stereotype—may betray impatience when what the patient really needs is understanding.

Deeply ingrained in the physician both by temperament and by training is the need for achievement. Nothing is sweeter to his ears than the voice of a patient saying, "I feel better, Doctor. Thank you." That, probably even more than the prospect of money and social success, is why he chose his profession in the first place, says Dr. Maddox, who calls it "the satisfaction of rescue fantasies."

With the chronically ill aged, that satisfaction does not come immediately. It is not a matter of days or weeks, but of a much longer time, so many doctors shy away. "One of the most popular things to do at an outpatient clinic is to refer the old patient back at a time when someone else will have to see him," says Dr. Elsdorfer. "That's exactly the kind of thing that prevents anybody from developing a sense of achievement. It's a self-fulfilling circle: 'We don't work with them, they don't get better, so we say, 'See? You can't work with them.'"

Doctors, like other people, don't like to be losers. "Physicians have a very bad record with the aged, with alcoholics, with drug abusers, and they know it, so these aren't viewed as desirable patients," says Dr. Maddox. "Doctors are expected to rise above their feelings, but it's clear they don't always do it. Some patients they like, some they don't. They work hard not to show such preferences, but feelings come out from time to time. The patient who is an unlovely person, who doesn't get well, doesn't appeal to the rescue fantasies, demonstrates very quickly to the doctor, 'You can't help me.' But the doctor is in the helping business, and if he can't do that why play?"

Mature physicians generally seem more sympathetic to the aged than do younger ones, perhaps because they themselves are beginning to share some of the problems. Also the doctor will not abandon someone he has cared for for many years simply because the patient has grown old. But if the aged patient outlives his physician, he may have difficulty finding another to take him on.

Nowhere does the distaste for the aged show itself more clearly than in the abandonment of those who are in retirement and nursing homes. Although the inmates of these places constitute less than 5% of the aged, they are the neglected outcasts of society. Dr. Elsdorfer recalls the deaths of some old people in a nursing home fire and asks, "Is that the worst thing that could happen to them? Or is it still worse to be one of the half million who woke up that morning wishing they were dead?"

Obviously old people would not lie in nursing homes with green, suppurating wounds if they had adequate medical care, but once again the profession seems to reflect the society of which it is a part. "We could play the *mea culpa* game and we do have responsibility to care for these people, but the neglect is not unique to medicine," declares Dr. Elsdorfer. "We have cut these people out of much of the community and only recently have we begun to think about bringing them back in. Maybe the recycling idea has caught on."

Surely it is needed. "When people are isolated from their normal environments, no longer see their friends and loved ones, no

longer contribute to society, they regress and die," says Dr. Amos N. Johnson, family practitioner of Garland, N.C. "I have actually seen old people in a reasonably healthy condition who, when put away in the isolation of custodial care facilities, totally lose interest in life. They refuse to communicate, refuse to eat, become totally bedridden, waste away, and die. This is a disease process called 'isolation,' and should be so designated on the death certificate."

Dr. Leonard E. Gottesman, associate professor of psychology at the University of Michigan, agrees. He cites studies showing that half of all those old people admitted to mental hospitals, nursing homes, and homes for the aged die within three years of admission. Those in mental hospitals have a death rate four times as high as people of the same age outside. He suggests that disabled or uncomfortable people are more capable of community living than we think and that it would be better for them. And he hits the core of the matter when he says: "Are programs for the institutionalized elderly molded more by political and economic considerations than by concern about rehabilitation of the elderly? The answer is yes."

The physician has a responsibility in this, says New York psychiatrist Alvin I. Goldfarb. "If these institutions are to provide good custodial care, they must provide comprehensive medical care. Good custodial care actually is long-term continuous or intermittent intensive medical care."

The "warehousing" of old people in mental hospitals has not stopped. To some extent the "inventory" has been shifted elsewhere. "Old people used to be about 30% of inpatient admissions," says Dr. Elsdorfer. "It runs a little less now because states like New York have just declined to admit them. They tailor the statistics by their admission procedures. So these people wind up staying at home or dying in the 'community'—which means nursing homes. They're not in the state hospitals anymore, so we've 'cured' the problem."

If the problem hasn't been cured, many of the patients can be. Chronic brain syndrome (CBS) may well be the most frequent misdiagnosis in medicine. Dr. Egeberg told a recent conference on aging in New York that some years ago in California he and Dr. Lester Breslow tried an experiment in rehabilitation with 100 patients, 40 of whom were held to have CBS. "We thought we'd see what a little interest and love would do," he says.

"We got the nurses and other people to try caring for them in a different and personal way. At the end of a year, only about nine patients had CBS. The rest were attempting independent living in various ways. Some even went outside in groups and lived in apartments. I'd like to see us bring older people back into society, and I know it can be done." Others have tried similar experiments with similar results.

The CBS diagnosis is "vastly overdone," says Duke's Dr. Whanger, who also heads a geriatric psychiatric unit at the local state hospital. "About 50% of our state hospital patients do have it, but this doesn't mean that they have to stay in the hospital. We generally try to get them out, to make the hospital an active treatment center. We generally discharge about 60% within four months," reports the geriatric psychiatrist.

"Not all of these people are well by any means. What's best? For some, long-term care is the best we can come up with. For others, there's episodic care, which can prevent corrosion in a lot of households. We can go too far in letting the family give up all responsibility. It's grossly unfair to expect the doctor to do all of this. Society must do its share, and the individual patient has the right to express his own preference."

If the individual is terminally ill and in pain, that preference may be for death. To grant that wish may offend the physician's most deeply held religious and ethical beliefs; it certainly cuts across the grain of his whole training, professional career, and sacred oath. From the time of Hippocrates until very recently, the issue was clear-cut. The physician battled death until he lost.

But now?

A man tells of his aunt whose whole life had centered around her religion. She became old, ill, and was in pain. "She began to pray for her death, but her prayers were not answered," he says. "Hope turned to disappointment, disappointment to resentment, resentment to anger. For the last three years of her life, she cursed God for not letting her die—cursed the God who had been the center of her life! I can never forgive her doctor for that."

Yet what is the doctor to do? Many patients in the old woman's plight would have been grateful to him if he left a bottle of pills at the bedside and said, "Remember not to take more than one of these every four hours. If you take five at once, they will kill you." But if a religious old woman will not kill herself, most would agree that it is not the physician's task to do it for her.

The dilemma can become even more exquisite when the question is how long to continue heroic measures to keep the patient alive. "I'm sure that in young men there is something of the Faust—a sheer fascination with demonstrating how long you can keep someone 'alive' under the hardest circumstances," says Dr. Maddox. But after a while this gives a perceptive physician pause. Does what we're doing make sense from anybody's point of view? He will be acutely aware, too, that this is being done at the cost of the economic prostration of a family."

Doctors search their souls for an answer to this question. The AMA's Judicial Council meets this month for a think session to discover an approach to it. But it is clearly not a question that medicine alone can answer; society must provide the final answer, and the patient, too, has the right to be heard.

Indeed, society has answered it in a few specific instances. In two separate recent cases, hospitals in Florida and Wisconsin went into court asking that they be allowed to impose heroic treatment upon old women who had refused it. In both cases, the courts held that the patients realized what they were doing and were within their rights in refusing treatment. The day after the decision in her case was handed down, the Florida woman died, it is to be hoped in peace and dignity.

But what of the patient who is not competent to make a decision? Clarence A. Bettman is not. He is 79, kept alive by a pacemaker, and, according to his wife, "turning into a vegetable." She refused to give permission to Dr. William A. Gay Jr. to replace the pacemaker's worn-out battery at New York Hospital. Dr. Gay asked for a court's authority to proceed and he won. Entirely aside from the moral and ethical aspects of the matter, Dr. Gay also had a legal problem: Had he not replaced the battery, it is conceivable that he could have been charged with murder through negligence.

A few thoughtful people, anticipating the possibility of a fate like Bettman's, make their wishes known in advance. One is Duke's Dr. Stead, who wrote a document that achieved wide local fame (see box on page 47). The Euthanasia Educational Fund, Inc. in New York has a "Living Will" form in which the signer asks to be allowed to die in the event of illness from which there is no reasonable expectation of recovery. More than 20,000 people have signed it, and requests for the form come into the fund's office at 250 W. 57 St. at the rate of 50 a day.

Such a request is not legally binding upon anyone, though at least it has the merit of answering one question that might otherwise trouble the doctor's conscience. But ultimately the boundaries that determine how far a physician may go in granting wishes of this kind will have to be drawn by legislatures, not by the ethics committees of medical societies.

"Doctors don't know any simple way to resolve this conflict of values because society doesn't know either," points out Dr. Maddox. "They resent having people to say to them, 'All right, you guys, say something clever.' Doctors are no more clever than anybody else about these issues."

Despite the steadily growing number of geriatric patients and the new problems they present, we are doing precious little of Dr. Comfort's "social thinking before the thing hits us." Federal spending on gerontological research and training today is less than it was in 1961 (though Dr. Comfort is "optimistic enough to think that we'll be modifying the rate of aging long before we know how we're doing it").

Though much of the doctor's attitude toward aging patients is shaped in the medical school and though much of his practice will be among aged patients, geriatrics and gerontology are not in sight at most schools. Dr. Joseph T. Freeman, a Philadelphia internist and past president of the Gerontological Society, made a study of the subject for the Senate Special Committee on Aging. He found no reference whatever to aging in the 1969-1970 catalogues of 51 out of 99 schools.

Only 22 schools offered clinical instruction as part of the general course structure, 15 offered some by special designation, and nine offered elective courses. There were research programs in only 15 schools. Out of more than 20,000 faculty members, 15 had primary titular identification in the field of aging. Only one school—Duke—has a training program in geriatric psychiatry. In another section of the Senate study, the list of 262,151 doctoral dissertations on all subjects produced between 1934 and 1968 was scanned. Of these, 667, or 0.25%, dealt with problems of aging.

There are not many doctors who advocate the establishment of geriatrics as a specialty. The clinical problems are not all that different; very little disease is the exclusive property of the old. Drug reactions are different and some problems need special handling, but the necessary information can be acquired with relative ease. What is most needed, some say, is to develop a new attitude among physicians, including greater flexibility in their thinking.

Sociologist Loeb says that his doctor refused to prescribe for him a drug that, though indicated, he feared might have a carcinogenic potential. "Doctor, I'm 72 years old," Dr. Loeb said. "How long would it take for that cancer to develop?" He argues that there is no reason why carcinogenic or addictive drugs should not be given to old people if they are needed. Dr. Heinz E. Lehmann, McGill University psychiatrist, would like to see someone develop a "happy pill" that would keep the very old euphoric and out of depression. He wants it to be an intoxicant that would produce feelings of gratification without the many drawbacks of alcohol.

Another psychiatrist suggests that we could solve the problem of many old women by permitting bigamy after the age of 65. Dr. Comfort notes that "an old man dies if there's no one to cook his meals; an old woman does too if she has no one to cook for."

Can a new attitude be developed in medical school? The Duke people believe that it can, at least for a substantial number of students, and they will be giving it the old college try in a year's time. As Dr. Whanger puts it: "Those things we don't know much about we tend to steer clear of. We get un-

comfortable or anxious or uncertain. We hope that by teaching people more about these problems from the beginning they'll feel more comfortable and competent in dealing with them." So Duke is developing a training program at all levels, which will include putting students, interns, and residents into nursing homes for important periods of time and moving toward establishing a model nursing home system.

The Duke people are also seeking a change in federal government policy. "Part of the problem is that too much of the money medical schools get is categorical and there's been no category for training people to work with the old," says Dr. Maddox. "We have asked the Administration on Aging and other appropriate divisions of HEW to review their policies. Now we know HEW is asking itself whether we've discovered an area that's fallen between the chairs and the answer is we sure have. I think we will get some clarity, and that will be a step forward."

Some experts see stormy times ahead. Says Dr. Loeb: "You go to the doctor with a pain in your leg. He looks and says, 'I can't see anything wrong. What do you expect?' People aren't going to take that kind of stuff any longer." The Senior Citizens' Newburgher sounds very determined indeed when he talks about "senior power" and points out that there are a lot of votes over 65. When the cover of this issue of *MW* was described to Dr. Elsdorfer, he shook his head in irritation: "That's just what's exactly wrong. The old person is no longer going to be a little old lady sitting there passively waiting for whatever somebody chooses to give her. That person is getting to be angry and aggressive, demanding, 'What are you doing for me?'"

Where does this leave the physician? Says Dr. Maddox: "If medicine is vulnerable, it's not so much because doctors behave differently than other people as it is that we expect leadership from them. The profession has not really come to terms with that question. The first leadership it provided was positively harmful—its opposition to Medicare, saying the health care of the old was no problem. The doctors came out of that one looking as though they weren't terribly smart."

"Is it not agreed that people in nursing homes need care? The medical profession should be asking how we can get it to them. Why doesn't the county Society make a survey of its nursing homes and announce publicly that it will find a way to take care of those people?"

"We have the right to expect them to show some foresight in this area, some recognition of the size of the problem. If you're going to play leadership, you've got to lead."

#### A PHYSICIAN'S INSTRUCTIONS ON FINAL CARE

A major problem in management of the terminal or "vegetable" patient is determining what he himself would want done. His relatives may want to let him die, but even if the physician is inclined to agree, there is the possibility that the patient may be aware of what is happening and be lying there in mute, motionless outrage at what is to be done—or not done—to him.

To resolve any such doubts that might someday arise in his own case, a noted Duke University professor of medicine wrote the following, with copies to be filed by his wife and his attorney:

If I become ill and unable to manage my own affairs, I want you to be responsible for my care. To make matters as simple as possible, I will leave certain specific instructions with you.

In event of unconsciousness from an automobile accident, I do not wish to remain in a hospital for longer than two weeks without full recovery of my mental faculties. While I realize that recovery might still be possible, the risk of living without recovery is still greater. At home, I want only one practical

nurse. I do not wish to be tube-fed or given intravenous fluids at home.

In the event of a cerebral accident, other than a subarachnoid hemorrhage, I want no treatment of any kind until it is clear that I will be able to think effectively. This means no stomach tube and no intravenous fluids.

In the event of a subarachnoid hemorrhage, use your own judgment in the acute stage. If there is considerable brain damage, send me home with one practical nurse.

If, in spite of the above care, I become mentally incapacitated and have remained in good physical condition, I do not want money spent on private care. I prefer to be institutionalized, preferably in a state hospital.

If any other things happen, this will serve as a guide to my own thinking.

Go ahead with an autopsy with as little worry to my wife as possible. The anatomy crematory [at the medical school] seems a good final solution.

### THE PACIFIC AQUEDUCT SYSTEM OF INTERCONTINENTAL WATER TRANSFER

Mr. MOSS. Mr. President, about 10 days ago I spoke at some length on the Senate floor on the subject of intercontinental water development. I suggested that Canada, the United States, and Mexico all begin gathering the data, and doing the homework, that would make possible in the near future full discussions of the various proposals offered by Canadians and Americans for coordinated water development on the continent. I asked that meanwhile the three nations "keep their options open."

Coincidental with my Senate discussion, there appeared in the Denver Post an article on one of the intercontinental water transfer plans I mentioned—the Pacific aqueduct system—which has been developed by Lewis Gordy Smith, an independent water resources consultant, an adviser to the Federation of Rocky Mountain States, and a former employee of the U.S. Bureau of Reclamation.

The Smith concept would bring water from the Frazier River Valley of Western Canada down into the Columbia River in Washington, and thence through California and Nevada and into the Colorado River at Lake Mead. Arizona would benefit directly, and so particularly would the Mojave Desert region of southern California.

The Rocky Mountain region, while not directly receiving water from the Pacific aqueduct system, would be indirectly assisted since more water for southern California and Arizona from other sources would relieve the pressure on the Colorado River, and could allow more of its streamflow to be used by upstream States. Pending oil shale development in Utah, Colorado, and Wyoming will require vast quantities of water. Development of oil shale resources will help head off the energy crisis facing us. So the Smith plan would be beneficial to much of the West, although not as beneficial to all States as the NAWAPC concept, which I have been suggesting, or to some other concepts sponsored by other Americans and Canadians. But it is important that we consider all proposals which have been offered.

Mr. Smith discusses his proposal also in terms of the need for more water for the expansion of our present towns and cities and populations, and the necessity of planning for the habitation in the future of the many wide open spaces between the Pacific coast and the Rocky Mountains. He makes some good points.

I ask unanimous consent that his article, which is entitled "United States Could Drink from Canadian Streams—Maybe," published in the Denver Post on April 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, April 30, 1972]

#### THE UNITED STATES COULD DRINK FROM CANADIAN STREAMS—MAYBE

(By Lewis Gordy Smith)

Population growth is pressuring Americans into solving a problem that was seldom mentioned a generation ago.

It is a problem dealing with the distribution of people: How to provide settings for day-to-day living that harmonize with the environment, that provide a measure of dispersal, instead of increasing clusters of inhabitants in continually-expanding urban ant hills.

One of the keys to solution of the problem is water—particularly in the West.

Today the environmental aspects of water development projects loom large in people's minds—and rightly so. But it would be folly to let this concern foster declining interest in large-scaled water supply projects.

There are a number of wide open spaces between the Pacific Coast and the Rocky Mountains which would be eminently suitable for human habitation if water were available. Water for homes, for businesses and small industries, for irrigation.

The need is growing, and although present supplies could be used more effectively, a strong case can be made for studies which would lead to an increase in present supplies by tapping areas of known surplus.

In addition to the need to supply new water to new communities, there also is a need to improve many existing water resource projects in the West which are in trouble because of the decreasing quality of their present supplies.

One way to meet some of these needs is to build a Pacific aqueduct system which would alleviate some of the escalating water problems in California, Nevada, and Arizona, and indirectly benefit the Upper Colorado River Basin States of Colorado, Utah, Wyoming and New Mexico. It would also assist in our water delivery and water quality problems with Mexico.

The concept looks to the ultimate tapping of the Fraser River in British Columbia, and diversion of some of its surplus water into the Columbia River. The water would then be diverted from the Columbia, through central Oregon, across the northeastern tip of California, thence along the western edge of Nevada headed for the Colorado River at Lake Mead, with several branch lines enroute.

The main purpose of the Fraser-Columbia project would be to provide replacement for water which might be diverted southward from the Columbia. Because of large tracts of potentially productive lands in the Columbia Basin, which will require more water in the future, it is quite improbable that agreements can be made to obtain diversions of Columbia River water without prior arrangement for replacement.

One can understand past reluctance of the Columbia Basin states to entertain ideas of exporting Columbia River water to the south when they see the enormous potential in their region for development based on more widespread use of existing water resources.

For example, in the state of Washington, and extending into northern Oregon, lies one of the most extensive lava plateaus in the world, bounded by the Cascade mountains on the west and the Rocky Mountains on the east.

This plateau, generally known as the Columbia Basin, lies mostly in the cup of the great bend of the Columbia River. On the comparatively flat top of this region of ancient lava flows, a desert-type condition prevailed until large-scaled irrigation and power development projects were begun on the Columbia.

Under the Columbia Basin Project of the U.S. Bureau of Reclamation, approximately 513,000 acres were brought under cultivation between 1948 and 1972. It is estimated that more than 30 million acres of potentially irrigable land remain in the area.

Water for the entire basin is available from the Columbia and Snake Rivers through pump-lifting and new systems of distribution channels. Many new cities will sprout in the region as a necessary part of the continuing agricultural development. Thus, the strong determination of those in the region to safeguard their water for the future is well-founded.

The Fraser-Columbia diversion would involve international agreements with Canada, and more specifically with the province of British Columbia. Agreements on joint studies with British Columbia should be sought early in any serious consideration of a Pacific aqueduct system; such agreements are believed to be politically feasible.

At the imagined point of diversion, near Hope, B.C., at the head of the Fraser estuary, the river will have performed all of its in-basin functions except those of the estuary which are primarily navigational, and would be little affected by a diminution of flow. The availability of water for export would be enhanced if the Fraser were ultimately developed for power, as has been discussed recently by Canadian power interests.

Thus the benefits to British Columbia from the sale of water, which now flows unproductively to the sea from this point, might be such as to overcome any objections, and make the concept politically acceptable.

Water could be lifted from the Fraser, almost at sea level, over the Cascades and into the Columbia through a series of reservoirs in an over-the-hill pump-storage power arrangement. Most of the pump lifting on the uphill side would be accomplished during off-peak hours of an interconnected power system, and most of the power generation on the downhill side would occur during the peak hours to gain a higher value of the generation.

By means of a water artery extending from the Columbia River to Lake Mead on the Colorado river, with several branch lines, new water could be placed in those areas of the Pacific region which have growing water quality problems. This could also provide water to potentially habitable lands enroute. The aqueduct system would enhance all of the existing and planned water transfers in the Pacific region including the existing Metropolitan Aqueduct from the Colorado River to southern California; the All-American Canal from the Colorado River to the Imperial and Coachella Valleys in southern California; and the authorized Granite Reef Aqueduct of the Central Arizona Project to carry water from the Colorado River to the Phoenix and Tucson areas of Arizona.

The main water line would traverse an area in Oregon known as the Great Sandy Desert, which covers about 7,000 square miles and is sparsely populated. This region could be developed agriculturally to support many more people, and the water supplied to it by the aqueduct could be considered as part of Oregon's normal entitlement from the Columbia.

The proposed main line also would cut across the northeastern tip of California, near Goose Lake, and it would be a simple matter to extend a branch into the headwaters of the Pit River which joins the Sacramento River system above Shasta Reservoir. More water down the Sacramento could assist in solving some of the problems which have led to much controversy in the San Francisco Bay region and in the delta region of the Central Valley of California.

The Central Valley is the seat of one of the largest agricultural empires in the West, nurtured by an attractive climate combined with large-scaled water management.

Agriculture in the valley is sustained by pumping from ground water and, since 1951, supplemented by transfers of surface water from the more abundant northern arm of the valley to the southern.

While water management has vastly improved the agricultural and population-carrying capacities of the Central Valley, and has the potential for supporting even further increases, there is another side to the coin—that of the reduced quality of water in the natural drainage systems resulting from water use. This happens in any consumptive water use whatever and wherever: It means, for the water returned, an increase in the dissolved solids—the various so-called mineral salts, which are not normally removed in water treatment except in special costly cases.

Drainage water, with its reduced quality, is brought by natural channels to the delta region. Here the dissolved solids and other forms of pollution tend to concentrate. This pollution buildup is relieved only by the ability of the natural channels to flush the pollutants from the delta sloughs into the Pacific Ocean.

As population and industry grows in Central Valley and the delta region, the dissolved mineral content of the waters of the delta will increase. This must be dealt with. The more fresh water that is diverted southward from the delta and used agriculturally in a way that adds to dissolved mineral buildup of the return water, the less able is the remaining flow of the Sacramento and the San Joaquin Rivers to flush the dissolved solids to the sea, and the greater the tendency for the delta to become a mineralized sink—unless other ameliorative steps are taken.

The delta water problems could be alleviated in part by placing more water into Sacramento System: For this reason consideration should be given to a branch from the proposed Pacific aqueduct system main line as it passes near the vicinity of the headwaters of Pit River. Water placed in the Pit River could be considered as replacement for water diverted southward, with the proposed Peripheral Canal forming an important link in this system.

The most direct route for conveying aqueduct water from northeastern California to Lake Mead (the main destination on the Colorado) would be an alignment generally paralleling Nevada's western boundary with California.

Here in the rain shadow of the Sierra Nevada lie many open, desert-type valleys which are ideally suited for habitation except for a lack of year-round water. These valleys are well suited geologically and topographically for construction of a buried aqueduct, although several lift stations would be required along the route.

Thus the state of Nevada could come to play an important role in absorbing part of the nation's increasing population if the water line were to pass down its western flank. The aqueduct could become the axis of a new north-south development corridor—with development conforming to modern concepts of environmental quality.

Not many can say they enjoy the environment and ecology of the natural, unwatered

desert except as they pass through it or limit their visits. But the time will come when desert regions which can be supplied with water must be made to accommodate future populations as part of a national program. It is better to convert the deserts than to invade the mountainous areas.

For example, a branch off the main line of the proposed Pacific aqueduct could be extended down Owens Valley to replace water now diverted to the city of Los Angeles. It would revive the valley agriculturally, and also provide more water for the Mojave Desert region.

The main would extend, finally, to Lake Mead, which is becoming a man-made mineralized sink, similar to such natural sinks as the Great Salt Lake in Utah, the Salton Sea in California and the Carson Sink in Nevada.

Under conditions where lakes in a desert climate lose a good part of the inflow by evaporation or when the evaporation exceeds the rainfall, even though these lakes have outlets, the mineral salts left behind tend to accumulate and the body of water tends to approach mineralized sink conditions.

This is what is happening to Lake Mead, and obviously anything which affects the quality of its water affects the lands served by aqueducts extending from the Colorado River downstream from the lake.

What about conditions one or two hundred years from now if nothing is done to rescue all the lands and people using lower Colorado River water from this overdose of salt? Here is a situation with serious national repercussions, a case of slow creeping disaster.

Dilution of the mineralized waters by importation of higher quality water may be part of the solution to the problem. Extracting some of the salts upstream and carting them to the sea may be a burdensome part of the answer. But dilution by imported water would also have another beneficial effect—it would add to the supply available.

Under the Colorado River Compact of 1922, the upper basin states are required to release an average of 7.5 million acre-feet annually on a 10-year basis, at Lee's Ferry below Glen Canyon Dam. To date this requirement has imposed no great burden on the upper basin states, but it will do so increasingly in the future as Colorado, Wyoming and Utah turn to their vast supplies of coal and oil shale to assist in the nation's supply of energy.

Conversion of these fossil fuels to petroleum or gas will require large amounts of water which will be evaporated to the atmosphere. Thus, while these upper basin states are remote physically from the imagined Pacific aqueduct system, they could benefit from it by being credited through it, under a national water augmentation project, with some of the water they are now required to pass on downstream under law.

A possible technological limitation of the Pacific aqueduct system concept is the large blocks of energy required both to build the system, and to operate the various pump lifts along the way, in an era of growing concern over a possible energy crisis.

The validity of the aqueduct concept may hinge somewhat on breakthroughs for new forms of abundant energy such as hydrogen fusion power, or power from the heat of the earth's interior.

Here is the case of a multi-state, multi-regional water and power problem that will require a multi-state and even an international approach. The problems are gigantic, and they require solutions in the same proportion.

#### THE AGED

Mr. PERCY. Mr. President, the New York Times recently published an ar-

ticle on the isolation of aged nursing home patients and the need for better rehabilitation programs, written by Jay Nelson Tuck, national correspondent for Medical World News.

As the article points out, society tends to put people aside when they reach the age of 65, and the medical profession itself tends to favor younger patients over the old. Geriatrics is considered a depressing specialty. In the catalogs of 51 out of 99 medical schools, there was no mention whatever of the care of the elderly. Among more than 20,000 medical school faculty members, only 15 were identified primarily with the field of aging, according to a recent study prepared for the Senate Special Committee on Aging.

Mr. President, I wish to bring this article to the attention of Senators, particularly Senators CHURCH, RIBICOFF, MOSS, and FONG, who have worked tirelessly to improve conditions in nursing homes.

I ask unanimous consent that Mr. Tuck's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE AGED: TO WAKE UP WISHING YOU WERE DEAD

(By Jay Nelson Tuck)

"Perhaps the majority receive adequate care," Senator Abraham Ribicoff said recently. He emphasized the word "perhaps." Then he went on: "But thousands of others spend their waning days in neglect, despair, filth, boredom and unsafe conditions."

The Connecticut Democrat was talking about the million Americans—a little under 5 per cent of the nation's over-65 population—who serve out their lives in nursing homes. The Senate Finance Committee is currently considering Social Security amendments, already passed by the House, that would loosen requirements for nursing homes—and Senator Ribicoff seeks to keep standards high. And further, he wants to set up pilot programs that would keep the elderly out of institutions and in the community.

The basic problem with nursing homes is what Dr. Carl Eisendorfer, director of Duke University's Center for the Study of Aging and Human Development, calls our "no deposit, no return" feeling about old people. Society tends to put them aside when they reach 65, and the evidence is that the medical profession shares that tendency.

Doctors, perhaps even more than the rest of us, do not like to be losers. The whole weight of their training and professional life calls for winning—to cure the sick; to save the life. But elderly persons, with ailments that can only be eased or managed, and with the certainty of death—the ultimate defeat for the physician—lying ahead, do not offer instant rewards.

The care of the elderly is usually neglected in the physician's training. A study made for the Senate Special Committee on Aging found no mention whatever of the subject in the catalogs of 51 out of 99 medical schools. Among more than 20,000 faculty members, only 15 were identified primarily with the field of aging. Sharing a general social and psychological bent away from the old, doctors tend to avoid the nursing home.

"If medicine is vulnerable, it's not so much because doctors behave differently than other people as it is that we expect leadership from them," says Dr. George L. Maddox, professor of medical sociology at Duke. "Is it not agreed that people in nursing homes need care? The medical profession should be asking how we can get it to them. Why doesn't the county

medical society make a survey of its nursing homes and announce publicly that it will find a way to take care of these people? If you're going to play the leadership game, you've got to lead."

Meanwhile the aged languish. "When people are isolated from their normal environments, no longer see their friends and loved ones, no longer contribute to society, they regress and die," says Dr. Amos N. Johnson, of Garland, N.C., past president of the American Academy of Family Physicians.

"I have seen old people in a reasonably healthy condition who, when put away in the isolation of custodial care facilities, totally lose interest in life. They refuse to communicate, refuse to eat, become totally bedridden, waste away and die. This is a disease process called 'isolation' and should be so designated on the death certificate."

The fundamental problem is summed up in a question asked by Dr. Leonard E. Gottesman, associate professor of psychology at the University of Michigan: "Are programs for the institutionalized elderly molded more by political and economic considerations than by concern about rehabilitation of the elderly? The answer is yes."

In Senator Ribicoff's view, the efforts to loosen standards for nursing homes is a case in point. And the likelihood of a political backlash of any consequence from nursing home residents is minimal.

Two years ago there was a fire in a nursing home called Harmar House, in Marietta, Ohio, in which the building escaped serious damage, but a carpet burned with such heavy smoke that 32 of the 46 residents died. "Is that the worst thing that could happen to them?" asks Dr. Elsdorfer. "Or is it still worse to be one of the many who woke up that morning wishing they were dead?"

#### NEW ADMINISTRATION CHILD- FEEDING PROPOSAL MAY RESULT IN FEWER—NOT MORE—NEEDY CHILDREN BEING FED

Mr. HUMPHREY. Mr. President, over the weekend the President proposed to increase the funding levels for summer feeding programs and the school breakfast program by \$44.5 million. He proposed no additional funds for the school lunch program. In addition, he proposed new national eligibility standards for free and reduced price lunches which many urban State and metropolitan city school food service officials said would likely sharply reduce the number of needy children served by the program.

The new proposal would raise summer program funds this year to \$50 million, or \$25 million more than what Congress has already appropriated. I not only welcome this particular move, but wish it had even been more. The U.S. Conference of Mayors stated in testimony on April 10, 1972 before the Senate Nutrition Committee that the Nation's cities could "effectively utilize" some \$52.4 million for this summer's feeding program if the money were made available. The President's proposal concerning this program comes very close in meeting that goal.

Funding for the breakfast program under the administration's new proposal would be increased to \$52.5 million or almost \$20 million more than is proposed in the administration's fiscal year 1973 budget request. However, it is interesting to note that the administration itself admits, in its own figures, that they do not intend to spend all of the funds

Congress appropriated last year for the breakfast program this fiscal year. I have, therefore, to conclude that the administration's future spending intentions concerning the program are as questionable as their figures on how many schools are ready to start a breakfast program. The President, in his message, says that 3,000 more schools have asked for a breakfast program, yet last month the Food Research and Action Center, in a survey of State school food service directors, found that there were 22,000 schools desiring to start this program, if adequate funds were made available.

Under the income eligibility standards proposed by the President for school lunch, the national floor would be set at an equivalent of \$4,110 annual income for a family of four. States could exceed the national level only by 15 percent in setting income eligibility levels for serving a free lunch, and by 30 percent in setting eligibility for reduced price lunches.

Furthermore, the administration would stop the present method of apportioning school lunch funds among the States. Present legislation requires a formula based on a combination of performance and need, and the administration would replace this system with a procedure to reimburse the States on a per meal served basis.

State officials indicate that under current procedures USDA already is employing a meals-served formula. They report that USDA applies the need-plus-performance formula only on funds appropriated from general revenue sources. These funds are now exhausted in most States, primarily because the Congress did not appropriate all school lunch funds from general revenue. However, Congress did authorize in Senate Joint Resolution 157 the dollars needed this year out of section 32 funds to "provide a rate of reimbursement which will assure every needy child of free or reduced price lunches during the fiscal year ending June 30, 1972." These revenues are taken from duties levied on imports and given to the Secretary of Agriculture to spend. The section 32 money assigned to the school lunch program is paid out to the States only after the general revenue lunch funds are spent and as States earn them by serving lunches.

Assistant Secretary of Agriculture Richard Lyng told the press over the weekend that he hoped the new proposal would add another million to the 7.6 million free or reduced cost meals served on a daily basis in the program in recent months. However, no additional funds would be made available under this new proposal to the States for the lunch program other than those requested by the administration for fiscal year 1973 which are based on reaching a million fewer needy children than Lyng cited.

State and local school food officials have indicated that urban areas, where eligibility levels have been set to reflect higher living costs would likely be hit very hard by the new eligibility standards now being proposed by the administration. In New York, for example, an estimated 200,000 children would likely lose their free lunch by the imposition of these new standards.

The most serious problem facing States and local school districts is that school lunch funding levels next year will not provide any higher per meal reimbursement than is being paid this year. And as Josephine Martin, director of Georgia's School Food Services, said last month in testimony before the Congress:

The national school lunch program is failing to grow or expand at present reimbursement rates.

The administration proposal to now change the reimbursement formula could reduce lunch funds in a number of States, primarily those with greater numbers of low income families and which are serving proportionately more lunches to needy children. These States are mostly in the Southeast region and in those regions with large intercity areas where low income children live.

Mr. President, you will recall last September we were faced with a similar effort by the administration to change the reimbursement formula. At the time we were forced to legislate a minimum 40-cent reimbursement rate on lunches for needy children for this school year coupled with an average 6-cent payment on all lunches. Since the administration, in its new proposal, fails to mention what reimbursement rates it plans to establish, we must assume—based upon its figures relating to expected participation next year, that the reimbursement rate will be the same or lower than what it is now. And furthermore, Mr. President, this new proposal suggests that we are being asked once again to trust the administration, through its regulations, to implement the congressional mandate to provide every needy child with a free or reduced price lunch. After the battles we had with the administration last year with its regulations pertaining to both school feeding and food stamp programs I find that prospect particularly distasteful.

The administration has made it all too clear, in both of those actions, that they prefer "cold promises to hot lunches." They again are making it obvious that they want the stomachs of needy and hungry children to fit their national budgets, instead of the reverse, which Congress has repeatedly insisted upon. Even now, the administration's new proposal to put more funds into the summer feeding and breakfast programs is coming at a time when Congress has begun considering legislation to raise funding levels for child nutrition programs. What the administration is now proposing regarding the summer and breakfast programs has already been embodied in legislation now pending before Representative CARL PERKINS' committee in the House.

The administration's proposal to increase funds for the purchase and installation of food service equipment for those schools not having, or that are in need of improving, such facilities also leaves much to be desired. The administration proposal regarding these funds would actually stretch out the use of funds made available for this purpose. If the President is really serious about helping the almost 60,000 schools needing such assistance, he would have asked Congress

to appropriate the \$60 million this year he proposed to spend over 3 years, with a provision that these funds can be carried forward if unspent. He could then earmark \$40 million for equipping schools which now do not serve lunch and authorize \$20 million for improving food service facilities in existing programs.

Mr. President, I have grave misgivings about this new administration proposal regarding our Nation's child nutrition programs. Although I plan to reserve my final judgments concerning the proposal until I have had an opportunity to carefully examine the administration's implementing legislation, it would appear that the President's statement is just more "self-serving rhetoric to cover a further retreat from the promise he gave the Congress and the Nation in 1969 to 'put an end to hunger' in the United States."

Finally, I should like to point out that the administration's proposal fails to meet the comprehensive test that I think is called for in meeting our Nation's total child nutrition needs. It fails to include:

An outreach program to encourage families to make use of the free or reduced price lunch and breakfast programs;

A nationwide nutrition education program within our schools;

A career program for training new food service personnel and upgrading existing professional levels;

A proposal for improving supplemental feeding for infants, preschool children and low-income pregnant women; and

A new emphasis on medical research to discover how nutrition relates to health, especially as it relates to the physical and mental development of our very young.

Last year I introduced the Universal Child Nutrition and Nutrition Education Act, S. 2593, which would provide a national program of meeting the nutrition and nutrition education needs of our Nation's schoolchildren. It would guarantee every schoolchild, regardless of income, of at least one free hot meal per day, and thereby put an end to the economic caste system which now prevails in our current school feeding system. It would also put an end to the patchwork program we are now forced to work with and it would provide for the urgently needed nutrition education program to help equip our future populations with adequate knowledge to make intelligent decisions regarding the relationship between good nutrition and good health.

Mr. President, in a Nation such as ours, with over a trillion dollar economy and agriculture capable of producing an overabundance of nutritious food, we cannot rest until every needy, hungry child or citizen is provided with an adequate nutritious diet. In my over 20 years of national public service, I have always been dedicated to meeting that objective and I intend to continue my pursuit of that objective until it is fully met.

#### PRESIDENT NIXON'S FIRM STATEMENT

Mr. FANNIN. Mr. President, I fully support President Nixon in his determination to resolve the Vietnam situation

just as quickly as is possible. His decision was not easy to make, but he had few acceptable alternatives. The Communist escalation of the war has put our forces in grave peril.

We as a nation have interests and commitments all over the world. America is the bastion of the free world; we cannot sink into isolationism, retreat to our own shores, and forfeit on our obligations to the cause of freedom.

President Nixon made a firm statement—not an ultimatum, but a strong declaration of our very limited objectives to protect our own troops and halt the North Vietnamese invasion of South Vietnam.

He made a generous offer. For the first time, the President has set a firm withdrawal date. He has agreed to have all American troops out of Vietnam 4 months after these conditions are met:

First. Release of American prisoners of war.

Second. Agreement on an internationally supervised cease-fire.

If they will not agree to these two conditions, then it should be unmistakably clear to every American and to everyone in the world that the North Vietnamese and their allies will settle for nothing less than the military conquest of South Vietnam and the forceful imposition of a Communist regime.

The alternatives thus are reduced to two for America: stand fast or surrender.

We would not be in this present critical situation in South Vietnam if the Congress had given the strong support to the President which should go to any President in time of crisis. Instead, political opponents have sought to undercut his position at every turn, and this has encouraged the enemy to fight on.

I would hope that we can find the united support that will demonstrate that America is not about to renege on its international obligations. President Nixon has drawn the line and we must support him or the future is terribly bleak for our Nation and the free world.

#### HUMPHREY URGES EARLY ACTION ON FISCAL RELIEF TO STATES, CITIES, AND COMMUNITIES

Mr. HUMPHREY. Mr. President, I am pleased to join the Senator from Tennessee (Mr. BAKER) in sponsoring the State and Local Fiscal Assistance Act of 1972.

Our cities are caught in a dilemma. On one hand, there are great demands on the cities for basic services. On the other, the revenue so necessary to support a high quality of these basic services just has not been available. The results are predictable. Cities are in a financial bind as never before. Townships, medium-size boroughs, and small communities suffer a similar fate. Many of our political subdivisions have reached their financial limit.

This financial bind has made direct Federal fiscal assistance to States, cities, and communities critically necessary.

I have been a supporter of revenue sharing since the idea first surfaced in

the 1960's. It was a good idea then. It is an even better idea now.

Last year in testimony on my legislation, S. 241—the Humphrey-Reuss revenue-sharing bill before the Senate Subcommittee on Intergovernmental Relations, of which the distinguished Senator from Tennessee is a member—I once more stated my support for immediate enactment of revenue sharing.

I want to make that pledge again today.

The financial assistance measure approved by the Ways and Means Committee incorporates the fundamental minimums I believe necessary for effective revenue-sharing legislation.

It does include substantial fiscal relief—a beginning figure of \$5.3 billion, split \$1.8 to the States and \$3.5 to the communities. The funds are allocated on the basis of need. The legislation does have strong antidiscrimination provisions. It does have innovative provisions for the Federal collection of State income tax; and the categories for expenditures are broad and explicit.

Mr. President, I hope that the Senate will act expeditiously on this legislation.

The mayors of our cities and communities want it.

The Governors of our States want it.

The people of the Nation want it.

It must be passed.

#### THE NAVAL BLOCKADE ON NORTH VIETNAM

Mr. STEVENSON. Mr. President, Keyes Beech, of the Chicago Daily News, has been covering the fighting in Indochina since the Vietnamese war against the French—probably for longer than any other American journalist. His views of the President's May 8 escalation were printed in today's issue of the News. They should be of interest to the Members of the Senate, and I ask unanimous consent that this be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

##### A STAGGERING GAMBLE (By Keyes Beech)

President Nixon's decision to impose a naval blockade on North Vietnam is the act of an angry and desperate man. He has, in effect, matched Hanoi's all-out offensive to conquer South Vietnam with his own last roll of the dice.

It is a staggering gamble.

He is risking a bigger war to win a small war. He is telling the Russians—and the Chinese—they cannot deliver arms to North Vietnam but that the United States can and will deliver arms to South Vietnam.

In doing so he has invited a confrontation with the world's two great Communist powers at a time when he was moving toward an accommodation with them.

Moreover, by a single stroke, he is attempting to achieve a victory that has eluded the United States and its allies for more than a decade.

He could—although the possibility is remote—get away with it. Neither China nor Russia wants to go to war over Vietnam. But it seems inconceivable that the two Communist giants, competing as they are for Hanoi's allegiance, can afford to accept Mr. Nixon's ultimatum.

Regardless of the response from Moscow and Peking, there can be no doubt what

Hanoi will do. For the hard and faceless men who run North Vietnam there can be no turning back. They write their own ticket. They accept aid but they do not take orders from Moscow or Peking.

Over the long haul, it is possible the blockade could reduce Hanoi to military impotence—if Mr. Nixon can make it stick. But there is little or no prospect that it will stop Hanoi's current offensive.

It is easy to believe the Communists when they say they have stockpiled enough war material to continue their offensive. And, in any case, it takes weeks or months for war supplies unloaded at Haiphong to reach the fighting front.

There is nothing new about Mr. Nixon's decision to bomb the two rail lines linking Hanoi with China. That was done during the '60s. An estimated 50,000 Chinese soldier-laborers were sent into North Vietnam to keep the rail lines open. They were withdrawn when the bombing ended in 1968.

But in imposing a naval blockade—although Mr. Nixon was careful not to use that word—the President took a course that Lyndon Johnson shyed away from in 1967.

That I know from personal experience. During an interview with Mr. Johnson in May, 1967, I asked him if he intended to bomb Haiphong.

"I'm not going to say whether I will or whether I won't," said Mr. Johnson. "An awful lot of good people come in here and tell me that's what I ought to do."

"But sure as Hell if I did, one of our pilots would drop a bomb down the smokestack of one of those Russian ships out there in the harbor. And next morning, after Russia had declared war, all those good people who wanted me to bomb Haiphong would come in and say:

"Mr. President, that ain't what we meant at all."

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1175 of the Senator from Mississippi (Mr. STENNIS).

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 1:23 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:35 p.m., when called to order by the Presiding Officer (Mr. HUGHES).

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. GRAVEL. Mr. President, I seek recognition. I will be talking on a matter germane. What is the matter before us?

The PRESIDING OFFICER. The pending matter before the Senate is the amendment of the Senator from Mississippi (Mr. STENNIS), No. 1175 to the pending bill, S. 3526.

#### NATIONAL SECURITY STUDY MEMORANDUM NO. 1

Mr. GRAVEL. Mr. President, I think what I have to say is very germane to that subject, because it deals with our involvement in Southeast Asia, and at the same time it deals with what the President of the United States reported to the American people concerning the course of action he has chosen to undertake in South Vietnam.

Mr. President, I attempted some time back to release a study to the U.S. Senate because I felt its information to be very important with respect to the decisionmaking that was taking place in the White House with regard to the American policy that we face today. I hurriedly, after last night's decision, have gone over that study.

It is interesting to note that whenever we have a study like this, one can always find new material in it, and he can find in it something that is even more relevant today than before. I tried to look for material that was related directly to the blockade of Haiphong and the other ports.

I think there was something that was left unsaid in the President's statement yesterday as he began to escalate toward a possible confrontation with the Soviet Union—and we should not talk only about the Soviet Union. I think we should begin to talk about China, which, of course, borders Vietnam.

But in this National Security Study Memorandum No. 1, the question was asked, What would be the effects of blockading all of the naval ports of North Vietnam? The answers are very clear, I have the answers, and I would like to bring them forward now to this body and to the American people since they are so relevant to what the President proposed in his message.

The answer from the State Department is:

To begin with, it must be noted that in practical terms it would be impossible to deny all imports by sea. Even if the one principal port (Haiphong) and the two secondary ports (Cam Pha and Hon Gai) were closed, there would still be twelve minor ports as well as numerous coastal transshipment points suitable for over-the-beach offloading. Lightering operations would permit an indeterminate amount of supplies to enter North Viet-Nam from the sea.

Lightering may be something that some of my colleagues are not familiar with, but it is something that we in Alaska, not being blessed with developed ports on our coastal areas, are familiar

with. Basically, the west coast of Alaska is supplied entirely by lighterage.

To think that a blockade of North Vietnam would be successful is incorrect, based not only on my domestic experience in Alaska, but based on the experience of the Secretary of State and the entire State Department.

An answer from the CIA on the same subject—and I am quoting it—is as follows:

Strikes in August, 1967 against the Hanoi-Dong Dang rail line were effective in stopping through service for a total of only ten days. Strikes during this period against the highways that parallel the Dong Dang line showed no insignificant or sustained reduction of capacity. The Hanoi-Lao Cai rail line capacity, after destruction of the Viet Tri bridge, was maintained at 700 tons per day by use of a rail ferry. If more capacity had been required, however, there is every reason to believe that additional facilities would have been installed at this location to restore the through capacity of the line.

I continue:

In addition to the overland capacity, an airlift from Chinese airfields could potentially provide a means for importing a large volume of high-priority goods.

Now, this is a new element that has not been mentioned in any dialog that I have heard with respect to our tactics in Southeast Asia. That is the possibility of an airlift. Certainly we pioneered that concept. We were able to supply all of West Berlin with an airlift for in excess of a year, with almost unlimited tonnage. Do we believe, by any stretch of the imagination, then that an airlift could not similarly be used in Hanoi, Haiphong, or any other place in North Vietnam? Such an airlift could come from places in the Soviet Union, or from places in China.

Continuing:

Moreover, total interdiction of seaborne imports would be difficult because shallow-draft lighters could be used to unload cargo from ocean-going ships anchored in waters outside the mined major harbor areas.

In other words, the President can put his mines around these ports, but the ships from Sweden and the Soviet Union could anchor out there and lighter the cargo in on sampans with very shallow draft. And according to the CIA, they can bring in all the goods that they need to wage a war and to keep their nation going through this process.

I repeat:

Moreover, total interdiction of seaborne imports would be difficult because shallow-draft lighters could be used to unload cargo from oceangoing ships anchored in waters outside the mined major harbor areas. Large numbers of small coastal ships and junks could move cargoes from ships diverted to southern Chinese ports of Fort Bayard, Canton.

In other words, the goods could be sent to China, loaded on to sampans, and brought right to the beaches.

There is a note to this quotation which reads:

Interdiction of the lines of communication between Hanoi and the China border could not be sustained at the level that was achieved in the southern Panhandle of North

Vietnam during August through October 1968 for a number of reasons. The multiplicity of modes and transport routes in the North would make it necessary to sustain interdiction at a larger number of points than in the Panhandle. Air defenses in the North—aircraft, missiles, and antiaircraft artillery—make air attacks less accurate and also more costly in terms of U.S. air losses.

Mr. President, this is the CIA:

We believe it is unlikely that either B-52s or Sea Dragon forces could be brought to bear in an interdiction campaign in the North.

What they are saying is that they believe that an air blockade, essentially bombing, and a sea blockade will not work. This is what was told the President of the United States in 1969.

Now let us move to another one of the President's distinguished advisers. That, of course, is the Defense Department, the office of the Secretary of Defense. I quote:

It has been estimated that a minimum of 6,000 attack sorties per month would be required against the two rail lines from China.

That is just the two rail lines, 6,000 sorties. These are sorties that would have to be diverted from South Vietnam, that are supposed to be defending the safety of American troops. These sorties would have to be taken from there and moved to the north. I quote further:

Even at this level of effort, the North Vietnamese could continue to use the rail lines to shuttle supplies if they were willing to devote sufficient manpower to repair and transshipment operations. Interdiction of the road system would be still more difficult. Since the bombing halt north of 19° in April 1968, North Vietnam has repaired all major road and railway bridges, constructed additional bypasses and alternative routes and expanded the railroad capacity by converting large segments from meter to dual gauge track. These improvements would make even more difficult prolonged interdiction of the overland lines of communication.

I continue to read:

We currently fly approximately 7,000 sorties per month against two primary roads in Laos without preventing throughput truck traffic.

Let me repeat: At this point, in 1969, we were flying 7,000 sorties on two primary roads in Laos, which is a lot tighter funnel than the whole breadth of North Vietnam, which borders the Chinese border, and the conclusion was that it was done without preventing throughput truck traffic.

The road network from China has 7-10 principal arteries and numerous bypasses. Finally, the monsoonal weather in NVN would make it difficult to sustain interdiction on the land lines of communication. Poor visibility would prevent air strikes during 25-30% of the time during good weather months and 50-65% of the time during poor weather months.

This is the end of the quotation from the Defense Department's advice to the President of the United States in 1969:

Thus, it is not possible to give a definitive amount to the question of how much war-essential imports could come into NVN if sea imports are denied and a strong air campaign is initiated.

Here we have the entire intelligence might, the entire intelligence gathering system of the United States, to which

was posed the question in 1969, in a situation exactly as it exists today. Let me repeat, that situation as it existed—and for the benefit of the press, so that they will not have to wait until the RECORD is printed tomorrow, I will read it again, more slowly and articulately. This is the conclusion of the Office of the Secretary of Defense:

Thus, it not possible to give a definitive amount to the question of how much war-essential imports could come into North Vietnam if sea imports are denied and a strong air campaign is initiated.

We have initiated a mighty air campaign. Now the President tells us we are going to initiate a naval blockade. Both items were considered here, and what we found out, what the intelligence department told the President of the United States, was that they do not know what is going to happen.

They just do not know. They do not know because quite obviously the record is abundantly clear that this type of activity will have no appreciable military effect on the conduct of the war.

If that is best advice the President of the United States has received, obviously any American must ask himself in good conscience, "Then why is the President of the United States doing this?"

Again last night we heard the rhetoric, the unbelievable rhetoric about the arrogance of North Vietnam.

What is more arrogant than the superpower of the world pointing to a little nation of 18 million people and saying, "We are going to envelop you in a steel curtain that won't permit you to get anything in to survive, whether it is food or whether it is military strength."

What could conceivably be more arrogant than that? I think that arrogance can only be matched by the abysmal stupidity of thinking, in the face of this information which I have just laid before the Senate that it could possibly have any military effect.

So I think the arrogance is ours, the arrogance of thinking that we can go into that country and dictate what its people will have in the way of a government and the way its people will live.

I think that if we truly believe in the doctrine of self-determination, then quite obviously we should withdraw the American forces and let these people decide—whether it be by force of arms or by election—what kind of government, what kind of society they want. I do not think we have any moral right to go there and do it for them and to go there and do it under the guise of friendship and agreements. We do not honor our agreements any more than any other country honors its agreements. We did not honor our agreements with Pakistan.

If I can depart, to define what is going on today in this country, it can be defined very simply. We saw it exhibited by the President of the United States yesterday on TV, when he called upon all Americans to stand behind him in a united effort because of the possible shame that would come from losing. The Chief Executive did not know how to win this thing, and quite obviously he does not know how to lose it, either, because it

takes a certain grace, a certain strength of character, to lose and to get out.

The reason why we are there today, and the only thing holding us there today, participating in this carnage, this carnage that has taken place between Asians, that we are abetting, that we are fostering, and that we are permitting, is a machismo, a sense that we are better than anybody else, a male attitude that we cannot lose. It is to nurture this national machismo that the President pursues this policy.

How much greater strength of character would it reveal for the President to stand up and say, very simply, "We have tried everything." I do not expect him to take my view and admit that we have made a mistake. I think that takes a greater depth of character than we now have in the leadership of this country. But I am not asking that we admit a mistake. All I am saying is that he just stand there and say:

We have tried everything we can. We have given these people four times as much aid as the North has received from its Communist associates. We have given them total air cover, we have given them sea cover, and yet they do not want to win. The best they can do is put to rout and pillage their own areas and rape their own women. We have tried everything. We are just going to leave. We have done everything honorable men can do, and we are just going to leave. We wish it were not that way. We wish they wanted to fight for their own country, but apparently they won't, so we will just leave.

In my mind, the President of the United States could do that. He could do that with honor. It would not look like a defeat. But, of course, he cannot do that, he will not do it, because he feels that it would be dishonorable to "lose this war."

Nobody questions for a moment that if we want to win the war we can win it. Just load up the B-52s with hydrogen bombs, and we can obliterate the countryside, we can obliterate the country, and plant the American flag. We can plant Old Glory on that devastated land and say we won the war. Obviously, we do not have the moral depravity it takes to win the war; and since we do not have the moral depravity to win, why do we not have the moral courage to recognize that we cannot win it? Why do we not just get out?

I have tried to get these documents in the RECORD. The areas that I quoted today were not quoted previously on this floor or in the newspapers. But the actions of the President last night and the policy of this country make this study relevant, more relevant day by day.

I do not know what the Republican minority will do to thwart the efforts to get these documents printed in a normal, formal fashion. All I have done is to come before the Senate to ask Members to read the documents and then make a decision. I have heard that they may censure me because I have not gone through a normal, formal process. That type of saber rattling has not intimidated me, is not intimidating me today, and is not going to intimidate me tomorrow. The minority uses a mechanistic approach deliberately to thwart this body from coming to a vote or going through the committee process to make a determination.

I must say that it is not the entire minority, because the distinguished Senator from New York (Mr. JAVITS), a very fine Republican, is trying to work out a very deliberate method by which we can make a decision as to whether or not these documents should be released. But if that method is thwarted, then I would promise you that I will come to the floor and move that the clerk read it. Then we will have an up-or-down vote, and let the Senate go on record as to whether or not it wants to be party, like the Chief Executive of this country, to keeping information from the American people.

What is so secret about the information I have just released? What was so secret? Did it involve any troop movements? Two weeks ago, I heard Secretary of State Rogers talk about a division moving down from North Vietnam. That is battle information. That is a good deal more secret than what I have talked about. The secrets I have released right now are opinions based upon a collection of facts that a certain policy would not work.

Quite obviously, the reason why this administration wants this secret is that it is the policy they have undertaken. It is very embarrassing to undertake a policy and to have studies in the files that show the policy is not going to work; because then the very simple question is asked: Why does the Chief Executive undertake a policy that his intelligence sources say will not work? I can only say that it is male machismo, a sense that we have to prevail, that we are the super power of the world. I can only conclude by saying that with the policy enunciated by the President of the United States, he shows himself and this Nation to be not the superpower of the world but the bully of the world.

I yield the floor.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. GRIFFIN. For the record, I came into the Chamber during the middle of the Senator's presentation. Do I correctly understand that the quoted portions of his statement today were from the so-called Kissinger paper which is classified and which the Senator from Alaska was going to read on a prior occasion but which was not read?

Mr. GRAVEL. Yes. In answer to the question of the assistant minority leader, I quoted—and I have sent him copies of these papers—from pages 175, 228, 535. Yes, I quoted verbatim, and I repeated it so the press could hear it loud and clear.

Mr. GRIFFIN. I am sure the press heard it. I imagine that they were up there before the Senator began his speech.

Mr. GRAVEL. I want to correct my colleague. I saw only one member of the press when I came into the Chamber.

Mr. GRIFFIN. How is that document classified?

Mr. GRAVEL. I presume that document is classified "secret." In fact, I have every reason to believe it is classified "secret." I know it is classified "secret."

Mr. GRIFFIN. The transcript of the several closed sessions of the Senate have been made public, so I am not revealing anything, but it was my understanding

that the Senator from Alaska had decided not to try to put this material into the RECORD, pending consideration by the Senate of a resolution offered by the Senator from New York (Mr. JAVITS). Is the Senator from Alaska now disregarding that? Perhaps I should say "understanding," because I think that was the impression that his colleagues received during the closed session.

Mr. GRAVEL. If I may enlarge upon that, I can recall clearly what I stated. During the closed session we talked of secrecy. I was impressed with the way my colleagues seemed to be absorbing the new information. Then it was suggested by the Senator from New York and the Senator from Idaho (Mr. CHURCH) that they offer a resolution to develop a format through a committee process whereby we could declassify this. At that time I said I was so impressed with that good will that I would not press to insert these documents in the RECORD. I have restated it. I believe the Senator from Michigan was here when I said that I will not press to put the documents in the RECORD. I said I would wait and see what would happen in the committee, because the Senator from Nebraska (Mr. HRUSKA) indicated that this matter should go to the Committee on the Judiciary. I do not know that the leadership has made a decision whether it will go to the committee. If it is to go to the committee and we are talking about 60 days or a 6-month delay, as stated here today, I said that at that time I will, as soon as I am convinced that I am being thwarted by the mechanistic tactics of the minority leadership, move to have the clerk read them and have an up-or-down vote.

However, today, I felt that, since the President of the United States launched this Nation on a radical and dangerous course of action, I would quote precisely from the study those portions which dealt with the course of action he is now undertaking.

Mr. GRIFFIN. In other words, having indicated to the Senate in closed session, the proceedings of which now have been made public, that the Senator from Alaska would not go forward and put this classified information into the RECORD, he has now decided this afternoon to put portions of it into the RECORD, notwithstanding that indication to the Senate.

Mr. GRAVEL. That stretches it a little bit. I did not make a compact in secret session. I had not even seen the resolution the Senator from New York was going to put in. So obviously I had reservations on that.

What I said on the floor was that I was impressed with the good will of this body and the desire to develop a method by which to declassify this. That good will has already been sabotaged by the statement of Senator HRUSKA who was also here at the time.

Mr. GRIFFIN. It rather appears that the Senator from Alaska is not willing to await any action by the Senate, I take it, as to whether the Senate would—

Mr. GRAVEL. I have already said I will wait.

Mr. GRIFFIN. Well, I take it, he is going to go ahead at his own pace.

Mr. GRAVEL. No, no. I do not know whether the President will appear tonight and announce some other policy so that "page 255" will be made bankrupt. I think I have an obligation to the American people, if the President chooses to make this 3-year-old study relevant, point by point, to let the American people have the information that he has. He is not even listening to his own intelligence community.

Mr. GRIFFIN. I believe the record is clear as to what the Senator from Alaska has done today, and I am not inclined to carry this colloquy any further. It will be up to the Senate, of course, particularly the majority of the Senate, to decide whether the Senator from Alaska is acting within the rules of the Senate and within the rules of good taste.

Mr. GRAVEL. Let me add to that, that I have heard a lot about the rules of the Senate and good taste. That is sabre rattling. That is cage rattling.

What have I done? Have I broken a rule?

I am standing here as a U.S. Senator informing my constituents in Alaska and the people of this Nation about something the President has done.

Have I talked about the number of bombers?

Have I talked about the number of troops?

What are we doing, playing fun and games here?

Human lives are at stake. We are going to bomb these people. That blood will be on our hands. Yet we stand here and just talk about possibly violating some Senate rules.

What Senate rules?

What spirit of the Senate?

This body is a body of communication. We come here as Senators to debate. We come here as Senators to inform the American people.

So, what have I done? Have I done anything wrong?

I wish the Senator from Michigan would stand up and make clear his implied threat that the majority should do something. There is no problem. I am communicating. I think my colleagues on the majority side in greater numbers are beginning to realize that we hold no allegiance to a security stamp placed on it by the President of the United States. We have as much responsibility to the people of this country as has the President of the United States.

What gives him the prerogative of a greater love of life than I? None at all.

I do not impugn his patriotism. Why should my patriotism be impugned? That is what is being impugned—not only my patriotism but also my ability to read and interpret the rules.

I submit that I am interpreting the rules a lot better than most of the membership of this body.

All I am doing here today is informing the American people, in a democracy, of the consequences of a policy that has been undertaken, a policy of unbelievable consequence, because we are playing "chicken" with one of the greatest powers in the world. We are saying, "If you Russians dare to send a ship into Haiphong, we are going to blow it out of the water."

If that is not a serious danger to world peace, I do not know what is.

What is this body supposed to do?

Sit back and just enjoy the air conditioning here and let one man—when we are 535 elected representatives of the people—decide to push this Nation to the brink of a confrontation?

Are we supposed to do nothing about it—particularly when every Senator here has the study in his office and can go to his office and read it and can read the pages where it speaks of the conclusion of the intelligence community that they do not know what will happen with this policy.

Since when do we undertake a policy as dangerous as this, when we do not know what will happen?

Not only do we press the Soviet Union into a confrontation but we also press China into one.

I am quick to applaud the President for his trip to China and I am quick to applaud his trip to Moscow because I think, genuinely, if we can negotiate a SALT agreement and develop a detente, then Richard Nixon will have accomplished something substantive and something of benefit for all of us. But I am not going to let him threaten his good works with stupid works. That is what I am going to try to expose, because like any other human being, he can do some bad things as well as good things. He has done some good things. He is doing some bad things right now.

I think that the duty of the party out of office is to criticize, to point out, to give alternatives, and let the American people decide who is effecting or who could effect the best kind of policy for this country.

Fortunately, that decision will finally be made this coming November.

But what will happen between now and this coming November?

How many people will die because we refuse to recognize that our allies in South Vietnam have neither the fiber nor the desire to defend themselves?

How many people do we have to kill before we find that out?

Can we not say that we have tried and walk away from it?

Of course we can.

The only problem is, it seems to be an ego problem to some people in this country. I can frankly say that I do not think the American ego can be traded off in loss of life. I really do not. I think that this Nation can build its character by saving lives.

To stand up and talk about peace when we are really killing people is totally schizophrenic. That, of course, is the problem with our policy today. It is totally schizophrenic.

#### RECESS SUBJECT TO CALL OF THE CHAIR

Mr. GRAVEL. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and, at 2:08 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:20 p.m., when called to order by the presiding officer (Mr. ALLEN).

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

#### REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

*To the Congress of the United States:*

I transmit herewith the First Annual Report on the administration of the Federal Railroad Safety Act of 1970 (P.L. 91-458, of October 16, 1970), as required by Section 211 of that Act. The report covers the period October 16, 1970 through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, May 9, 1972.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service, which was referred to the Committee on Post Office and Civil Service.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 41) authorizing the printing of the report of the proceedings of the 45th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document.

The message also announced that the House had agreed to the amendments of the Senate to bill (H.R. 8083) to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.

The message further announced that the House insisted upon its amendment to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAY, Mr. KLUZYNSKI, Mr. WRIGHT, Mr. HARSHA, and Mr. GROVER were appointed managers on the part of the House at the conference.

#### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1186

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. CASE) and myself, I send to the desk a perfecting amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The amendment was read as follows:

On page 38, lines 5 and 6, strike out "after December 31, 1972,".

On page 38, line 6, immediately after "for the purpose of" insert "maintaining, supporting, or".

On page 38, line 7, strike out ", subject to" and insert in lieu thereof "four months after reaching".

Mr. CHURCH. Mr. President, I am not going to press for a vote at this time. Out of courtesy to all Senators who would be interested in the effect that the adoption of the perfecting amendment would have, I want to make the RECORD tonight, so that the full case will be available for Senators to review in the morning.

I ask unanimous consent that the perfected Church-Case amendment, might appear at this point in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

#### TITLE VII—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 701. Notwithstanding any other provision of law, none of the funds authorized or appropriated in this or any other Act may be expended or obligated for the purpose of maintaining, supporting, or engaging United States forces, land, sea, or air, in hostilities in Indochina, four months after reaching an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

Mr. CHURCH. Mr. President, my friend and colleague the able and distinguished senior Senator from New Jersey (Mr. CASE) and I issued a statement today regarding the perfecting language that has been offered to the Church-Case amendment, and, with the Senator's permission, I would like to read that statement into the RECORD. The press release read as follows:

Concern over the President's announcement of the mining of North Vietnamese ports and stepped-up air activity has tended to obscure moves the President has made toward ending American participation in the war.

In our view, the President has announced terms that correspond essentially to the formula which many critics of the war have called for over the past two years: namely, a prompt termination of our involvement

in the war upon the release of American prisoners.

This is very close to the Case-Church amendment which is a part of the State Department Authorization bill now pending in the Senate. We have long sought to have Congress share with the President the responsibility for bringing an end to our part in the conflict in Vietnam. Therefore, it is our intention to amend the Case-Church amendment to conform to the four month period that the President has now indicated is sufficient time for effecting a total American withdrawal. It is our hope that this effort to give statutory support to a prompt American withdrawal in return for our prisoners will be backed by both Houses of Congress.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. AIKEN. I was wondering whether any consideration was given to the welfare of the refugees in South Vietnam in the event North Vietnam overcomes that part of the country. Do we agree to let North Vietnam take over control of the people of South Vietnam?

Mr. CHURCH. We have not taken issue here with the position of the President in that respect. He said very clearly last night that if our prisoners are released and a cease-fire is entered into, he will withdraw the balance of American forces from Indochina within 4 months and would leave the settlement of the Indochinese war to the people of that country. In other words, our position in that respect is identical to that taken by the President.

Mr. AIKEN. Does the amendment call for a cease-fire?

Mr. CHURCH. The amendment does not call explicitly for a cease-fire. It calls for the cessation of our involvement in the war within the 4-month period the President prescribed upon an agreement for the release of our prisoners of war.

Mr. AIKEN. But it does not say anything about disarming the people of South Vietnam?

Mr. CHURCH. Indeed not and, as the Senator knows, I would strongly oppose any efforts to disarm.

Mr. AIKEN. That is what I wanted the Senator to say because that is, in my opinion, the big stumbling block to any agreement.

Mr. CHURCH. Yes, indeed.

Mr. AIKEN. I think the amendment has been greatly improved, but my principal concern, I might say, has been about the slaughter which would inevitably take place should we agree to all the terms insisted upon by North Vietnam. I would estimate that the slaughter would be about four times what it was in Bangladesh.

Mr. CHURCH. I addressed myself to that very point in a lengthy speech I gave to the Senate on Friday. I said in that speech I did not think the President could honorably accept a settlement of that war which would consciously overthrow the present South Vietnamese regime and substitute in its place a Communist-dominated regime. I think the Senator and I are very close to an understanding, and I hope it might be possible for him to support the amendment in its new form.

Mr. AIKEN. What would be the name of the amendment—the Case-Church-Mansfield-Byrd-Nixon amendment?

Mr. CHURCH. I would prefer to call it the Case-Church-Aiken-Mansfield amendment. I would hope that the Senator would find it possible to support it.

Mr. AIKEN. I would say 4 months sounds much better than 2 months after our election in November.

Mr. CHURCH. I agree.

Several Senators addressed the Chair.

Mr. CHURCH. May I yield first to the distinguished cosponsor of the amendment?

The PRESIDING OFFICER (Mr. TUNNEY). The Chair would inquire of the Senator from Idaho if he wants his amendments to be considered en bloc.

Mr. CHURCH. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. What was the request?

The PRESIDING OFFICER. That the three parts of the amendment be considered en bloc. They address different sections of the bill.

Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. Mr. President, may I ask the Senator one other question? Was any consideration given to the President's request for a cease-fire with international supervision, or will the Senator from Idaho tell us what he thinks about it?

Mr. CHURCH. Yes. The best way for us to complete the American withdrawal would be with a cease-fire, and I hope very much that Hanoi agrees to that proposition. We have not included it in the amendment because we did not think it was essential to the basic formula of the release of the prisoners and the completion of the withdrawal in 4 months. I understand why the President asks for it; Hanoi would be well advised to agree to such a cease-fire.

Mr. AIKEN. The Senator will recall that the reason there never was any election after 1956 in Vietnam was that North Vietnam insisted on having the election supervised by the ICC—which they completely controlled—and the United States insisted that it be supervised by the U.N. The result was that there was no election. But all Communist states today have normal diplomatic relations with and recognize two Vietnams. They have normal diplomatic relations with North Vietnam and the so-called National Liberation Front which the Communists consider to be the governing body of South Vietnam.

Mr. CHURCH. I thank the Senator very much for his observation.

I am happy to yield now to the Senator from New Jersey.

Mr. CASE. Mr. President, I do not think much more of an explanation is necessary about the amendment the Senator from Idaho and I have introduced. I am very happy to join with the Senator. I am happy indeed that the President has come forward with a proposal that seems to us in all honesty to be very close to our own amendment. This is the single thing we want to recognize. So far as I know, the President has made a clear assertion of his intention, once certain conditions are met, to end, and to end completely, Amer-

ican military involvement in Southeast Asia and to withdraw, within 4 months, all American troops. It is this complete ending of American participation in the war the Senator from Idaho and I want particularly to accept as a fine move toward the goal for which we have been working for a long time. I am very happy to join in the modification of the amendment in order to bring it closer to the position announced by the President.

Nonetheless, I cannot refrain from expressing my disapproval of the President's decision to mine North Vietnam's ports and block shipping.

For the last 7 years this course has been considered by our leaders too reckless and too dangerous. I know of no American interests or commitments which justify this risk.

Mr. CHURCH. I thank the Senator very much. Congress should assume some responsibility for our withdrawal policy by writing this kind of provision in the law. We would not only fortify the credibility of the President, it would enhance the prospect for its success, too. It would make clear both to the American people and the rest of the world that, once satisfactory agreement has been reached for the release of our prisoners of war, Congress stands ready to cut off further funds to finance any further engagement in hostility in Indochina with American forces months after that agreement on the prisoners is entered into.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I want to compliment and commend the distinguished Senator from Idaho and the distinguished Senator from New Jersey for what I consider to be one of the most constructive amendments ever presented to this body. It fits in very well with the statement of the President as to his willingness to end American military involvement in Indochina contingent upon an agreement for the release of our prisoners of war and those missing in action. More importantly, this amendment asserts the power of Congress, and it places responsibility for this action directly on Congress, as well as on the Executive.

It represents a sharing of responsibility with the President. I supported this particular amendment in the Democratic caucus because I felt it was much more important than a mere resolution criticizing or disapproving the President's message of May 8 insofar as it related to military escalation in Indochina. I supported, nevertheless, the resolution of disapproval of the military escalation because I feel very strongly that it is fraught with danger and will not contribute to the settlement of the war. The Congress should express its opinion in this regard. But the amendment introduced by the Senator from Idaho and the Senator from New Jersey represents responsible and, I hope, effective action by Congress.

It shows the Congress can do something. We can end the war. We could do it by cutting off the funds. But we seek

to do it responsibly, because no Member of this body would want to take such action as the cutting off of funds, without the release of the prisoners of war or agreement thereon and on an accounting for all Americans missing in action.

Let me also add, Mr. President, that I strongly support and urge upon the President that he go to the United Nations Security Council and ask for action there for a cease-fire on the part of all parties in Vietnam and throughout Indochina. I recognize that administrations present and past have been very reluctant to do this. The United Nations Security Council in May 1972, however, is different than it was 2 years ago, 5 years ago, or even a year ago. Mainland China is now a member of the Security Council. So is the Soviet Union.

What is needed in Vietnam or Indochina now is an end to the killing, an end to the slaughter, an end to the war, and a cease-fire ought to be high on the agenda. The President has endorsed it. I urge that he accept the offer of the Secretary-General of the United Nations to be of assistance. I urged him to do this on April 7 and think that subsequent developments make it even more imperative today that we work through the U.N.

I understand that the Soviet Ambassador to the U.N., Mr. Malik, today has met with the Secretary General. I would hope that we would not be second in line to seek the good offices of the U.N. I do hope that we would be first to pursue this possibility for peace, or at least for the implementation of a cease-fire. I would further suggest that in our proposal for action by the Security Council on a cease-fire in Indochina we lay before the Security Council in detail our proposals for the withdrawal of all American forces, along the lines now described by the President, and that we accept international supervision of that withdrawal, just as we would insist upon international supervision by the United Nations of the cease-fire. Once these steps were taken, I would hope that we would also urge the United Nations to undertake some form of economic assistance of at least an emergency nature to help that beleaguered area of the world, which today is filled with tragedy and human suffering.

This, I think, is the minimum that this country ought to pursue. The President has ordered the mining of the Harbor of Haiphong. I do not agree with this action. I think it is dangerous, fraught with uncertainty and unbelievable dangers. In contrast to this kind of action, there is no danger in pursuing the cause of a cease-fire. There is no danger in going to the United Nations, taking full account of whatever limitations it may have. There we can confront the Soviet Union and China with our willingness to negotiate, with our willingness to have a cease-fire, and with our willingness to withdraw our forces, all under international supervision.

I raise my voice here today, Mr. President, just as I have continued to do in the past, but this time in recognition of the grave proportions which the present

crisis has now assumed. I urge the President that he direct his appropriate representative to go to the Security Council, through the Secretary-General, and ask for an emergency meeting of the Security Council to seek a cease-fire or to pursue every possibility for it to make certain that the cease-fire be internationally supervised.

Mr. CHURCH. Mr. President, I thank the distinguished Senator from Minnesota for his generous remarks about the amendment, and I wish to associate myself with his proposals relating to the United Nations.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield again to the senior Senator from Vermont.

Mr. AIKEN. Let me again compliment the authors of this amendment for the revision they have made. I have been very, very worried for the last few days, or weeks, as far as that goes, over this world situation. I think that the changes made represent a very considerable step toward the restoration of sanity and safety in international affairs. I believe we have been on the verge of one of the greatest crises that we have encountered for a long, long time. I believe Russia has to accept much of the blame for that. We have had a contest, apparently, to see who could come the nearest to the brink without falling over, and we were getting very, very close to it. Now I hope that we can put aside some of our other thoughts and work together.

Mr. President, we must work together. The two sides of the aisle here must work together, and the legislative branch must work with the executive branch, and vice versa, if we are to come out of the predicament we have found ourselves in without unprecedented disaster. So I do hope we can lay aside some of our other differences.

I think the election of a President is incidental to the world situation today. Personally, I have tried to support our Presidents, when they are right. We all have experienced misrepresentations in the news media from time to time, with different representatives of that great profession sometimes getting their own thoughts instead of those of the one being interviewed into their stories; but on the whole, most of the reporting has been very good.

I think we have made progress today. I hope that Russia and the other countries involved will cooperate fully in the effort to solve this situation, and, as the President says, without any shame being put on anyone.

That is what I feel, and that is what I hope that we will all work for. This situation can be cleared up. It must be cleared up.

Mr. CHURCH. Mr. President, I want to tell the Senator how much I appreciate his remarks.

The senior Senator from Vermont and I have stood together in the past in some rather tough battles in the Senate. We have tried to find a responsible role for Congress to play in the formulation of national policy. That is what the Senator

from New Jersey (Mr. CASE) and I are striving to do now. We do not want to write a law that conflicts with what the President has said with respect to the release of our prisoners of war and the termination of further hostilities, but to write a law that conforms with that proposition and backs it up with the power of the purse. In so doing, Congress shares with the President the joint responsibility for bringing us out of this war.

Mr. AIKEN. I think that what the President said last night about the restoration of peace is the finest part of his speech, and one of the finest statements he has made in a long, long time.

Mr. CHURCH. A great deal of attention has been focused upon the escalation of the war. I disagree, as I think the Senator knows, with the military action the President decided to take. But the one thing that has been overlooked is that in the same speech he made a proposition for peace that needs to be given closer attention, not only by this body, but also by Hanoi and by Moscow and other parties to the conflict.

The purpose of this amendment is to add credibility to that proposition by writing it into law and backing it up with the power of the purse.

Mr. AIKEN. As I said some months ago about the situation involving India, Pakistan, and Bangladesh, there is blame enough to go around. There is also credit enough to go around, if we seek it.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield to me for the purpose of some clarification?

Mr. CHURCH. I yield.

Mr. GRIFFIN. Following along in the tone and spirit of the colloquy between the distinguished Senator from Idaho and the distinguished Senator from Vermont, certainly this is a time when we need cooperation between the several branches of the Government. We do not really need congressional one-upmanship or political one-upmanship.

I was pleased this morning, as I turned on the television, to listen to and watch the distinguished Senator from Idaho refer to the President's latest proposal, in which the President said that if the enemy would release our prisoners and we could get an internationally supervised cease-fire, we would withdraw our forces from Vietnam within 4 months; and the distinguished Senator from Idaho told the American people this morning that he thought that was, in effect, a good proposal, and he believed that the North Vietnamese should accept it. Am I substantially quoting the Senator correctly?

Mr. CHURCH. Yes. I said I hoped that Hanoi would accept it.

Mr. GRIFFIN. Then, is the so-called perfecting amendment that the distinguished Senator from Idaho and the distinguished Senator from New Jersey have offered the same as—is it consistent with the President's proposal last night, or does it involve some one-upmanship?

Mr. CHURCH. There certainly is no one-upmanship involved, in practical terms. It is not possible to one-up the President; it never has been done in my experience in politics.

Mr. GRIFFIN. Is this new amendment identical then to the President's proposal of last evening?

Mr. CHURCH. No. The proposal is not identical to the President's, but neither is it in conflict with it.

Last night the President put the proposition that if North Vietnam would release the prisoners of war and agree to a cease-fire, he, in turn, would withdraw the remainder of our forces within 4 months.

Mr. GRIFFIN. And this morning the Senator from Idaho favored the President's proposal. Is that correct?

Mr. CHURCH. Yes.

I am not here at this point to quibble with the President's proposition. He is putting to Hanoi the best proposition he can. Naturally, he would like to have a cease-fire; that would permit the withdrawal of the remainder of our forces under conditions of dignity and safety.

The essence of the President's proposal, however, is the release of the prisoners and a termination of further participation within a 4-month period. I do not think we could write a law so specifically as to bind the President in every particular. For instance, we do not know what counteroffer Hanoi might make.

Mr. GRIFFIN. It looks as though a counteroffer is already being made here in the Senate.

Mr. CHURCH. No. We want the President to have such flexibility as he needs.

Would the Senator from Michigan, for example, turn down an offer by Hanoi tonight to release our prisoners of war tomorrow in exchange for a commitment on our part to withdraw the remainder of our forces within 4 months? If that were just the proposition Hanoi put to us, would the Senator from Michigan turn it down, saying, "No. The American prisoners can continue to stay in jail. That is not satisfactory, because Hanoi has not agreed to a cease-fire requirement"?

In other words, we are not trying to straitjacket the President in such a way that the law is written in too confining a manner. We are taking the essence of the President's proposition. As we see that, the essence is releasing American prisoners of war, and within 4 months, there will be no further American forces in or over Indochina. Those are the two important pillars of the proposition, and those are the two pillars we have incorporated in this amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. GRIFFIN. Frankly, I am disappointed that the Senator from New Jersey and the Senator from Idaho would come in with a new proposal that leaves out one of the two important conditions that were incorporated in the President's proposal.

I attribute the best of motives to my colleagues, but is it really expected that the enemy would accept the President's proposal, as the Senator from Idaho urged Hanoi to do on television this morning, when this afternoon he comes in with a different proposal that cuts the President's offer in two—and leaves out half of it? It seems to me that the bar-

gaining with the enemy is being done here in the Senate.

Mr. CHURCH. We are not doing the bargaining for the President, and our proposition in no way undercuts the President.

Mr. GRIFFIN. The Senator's proposal leaves out the cease-fire.

Mr. CHURCH. We are proposing an enactment that has the end effect of cutting off funds. That is a legislative function. That is a power that belongs just to Congress. I am sure that had the Founding Fathers not written the Constitution 200 years ago they never would have thought of vesting the power of the purse exclusively in Congress. No doubt that power, too, would now be confined to the Executive. But the Constitution as written provides Congress the power of the purse.

The end result of this amendment, if enacted, would be this: Once agreement is entered into on the release of American prisoners of war, then, 4 months after that agreement has been reached, no further funds would be available for purposes of engaging American forces in further hostilities in Indochina.

We are attempting to legislate here by using the power of the purse. No provision is in conflict with the essence of the President's own proposition; if we were to enact our proposal, it would add credibility to the President's proposition. Perhaps more important, Congress would have found itself, rediscovered its responsibilities, and backed up the proposition with the power of the purse.

That is what we undertake to do; it is consistent with the objective of the President. There is no part of this amendment in conflict with the President's own proposal.

Mr. GRIFFIN. Of course, it is not in conflict, so far as it goes, but the Senator's amendment leaves out the very important provision that there must be agreement to an internationally supervised cease-fire. I see no great problem in legislating a trigger provision that would include agreement for an internationally supervised cease-fire as well as release of our prisoners of war.

Mr. President, at this point, for the record, I should like to read a pertinent portion from the President's speech of last night—that portion when he said:

Once prisoners of war are released, once the internationally supervised ceasefire has begun, we will stop all acts of force throughout Indochina. And at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months.

This morning the Senator from Idaho indicated his approval of the President's offer as I have read it and urged the enemy to accept it. If an amendment were offered to his amendment which would add appropriate reference to the internationally supervised cease-fire condition, would the Senator from Idaho support such an amendment, as he did in effect this morning?

Mr. CHURCH. First, I cannot support any amendment until I see it in writing—

Mr. GRIFFIN. Assuming that it would be.

Mr. CHURCH. Yes—

Mr. GRIFFIN. To carry out its purpose—

Mr. CHURCH. And second, while I have expressed the position that I hope that the North Vietnamese will accept the proposition and accede to a cease-fire, I would not want to write an amendment in such a binding way as to deprive the President of the flexibility he needs and would want in negotiating with Hanoi.

The Senator from Michigan cannot prophesy what may happen next week or several weeks after, what kind of counteroffer Hanoi might want to make or how the President might respond to that counteroffer.

I do not want to write the amendment in such a way as to tie his hands, even to the particulars of his proposition last night. I want to reach through to the essence of that proposition—the release of our prisoners of war and the withdrawal of all our forces within 4 months—

Mr. GRIFFIN. Even though there were no cease-fire?

Mr. CHURCH. If the President may want to modify his own position on the cease-fire. The essence is to get our prisoners of war released and all our Armed Forces withdrawn.

Mr. GRIFFIN. Under the Senator's amendment, funds would be cut off whether or not the President agreed—

Mr. CHURCH. We would cut off funds only after the 4-month period that the President himself has indicated is sufficient for an orderly withdrawal of all our forces.

Mr. GRIFFIN. The Senator has modified the President's offer by leaving out one important condition—

Mr. CHURCH. The Senate cannot modify an offer to the enemy. Congress cannot negotiate a cease-fire. That is within the hands of the Executive.

Mr. GRIFFIN. I would agree with the Senator.

Mr. CHURCH. Let there be no misunderstanding from this colloquy. The one thing Congress can do is to control the expenditure of public funds. This is what we seek to do, but we seek to do it in conformity with the President's own proposition, that once the prisoners of war are released, he is prepared to withdraw the balance of our forces within a 4-month period. That certainly is the way the amendment should be written. That is the form in which I hope the Senate will adopt it.

Mr. GRIFFIN. Would it be unfair to say that the Senator from Idaho will not agree himself, this afternoon, to the proposal he urged the enemy this morning to accept?

Mr. CHURCH. No. I think that misstates the proposition. I did and do urge Hanoi to accept the President's proposal.

Mr. GRIFFIN. I know that the Senator did. I heard the distinguished Senator.

Mr. CHURCH. I hope that Hanoi will, but I cannot prophesy what Hanoi will do. I cannot foresee what counteroffer Hanoi will make. I am sure that the President would want to take into consideration any proposal or counter pro-

posal, or any response that Hanoi may make to this offer on his part. Therefore, it seems to me that we should not be too specific in writing the law but we should look to the essence of the proposition which, as I say, is the release of our prisoners of war and the withdrawal of the balance of our forces within a 4-month period.

Mr. GRIFFIN. I would observe most respectfully—I do not know how the Senate will go or how it will work its will—that the chances the enemy would accept the President's proposal have diminished within the past half-hour when the amendment was offered.

Mr. CASE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, only on that one point, I must suggest that our amendment which conforms at least with the spirit and, we think, the substance of the President's proposal has not diminished anything. Our amendment existed several weeks ago when the Foreign Relations Committee approved it 9 to 1. Thus, it was already a part of the bill now being considered by the Senate. We have now changed it because the President has said that 4 months was sufficient time to complete American withdrawal from Indochina. I do not think, therefore, that our revised amendment has in any way hurt the cause of peace or increased the obduracy of the North Vietnamese.

This is not the first time we have proposed this amendment. We are just renewing and adding to our past efforts. We are attempting to make our amendment conform more closely to the position that the President has announced.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield there?

Mr. CHURCH. Let me first respond to the Senator from New Jersey by saying that I concur completely in his remarks. I think that the effect of the amendment, if adopted and enacted into law, will enhance the prospects that we will get our prisoners back and bring our part in this war to a close, because it would back up that proposition with a declaration on the part of the Congress of the United States and make it clear that once our prisoners are released there would be no money available for further participation in the war at the end of the 4-month period.

I can think of nothing better calculated to enhance the prospects of success. So I disagree completely with the Senator from Michigan.

Mr. CASE. I do, too. The Senator is right, that this would have the weight of the legislative branch as well as the executive branch behind the offer. Certainly, to that extent, it would be a more solid offer than a statement made by the President alone.

Mr. CRANSTON. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. CRANSTON. First, I should like to respond to the point under debate, to say that I would be delighted, and I am

sure the Senator from Idaho and the Senator from New Jersey would be delighted, if the peace proposals offered by the President of the United States last night were to be accepted—the cease-fire, the exchange of prisoners, and the orderly withdrawal of our troops. That is a fine offer, and if it can be accepted, that would be wonderful. We would all be delighted.

When we realistically consider what the other side is most apt to accept, however, I think we have to ask whether they are willing to accept a cease-fire when they are doing very well without one. The insistence on the cease-fire would complicate what we are seeking to achieve and what, hopefully, the President wishes to achieve. This simple amendment, as revised and offered by the Senator from New Jersey and the Senator from Idaho, follows the President's statement that we could be out within 4 months. It has been revised in accordance with his stated position of last night, but its terms are subject only to the release of our prisoners of war rather than to an internationally supervised cease-fire in addition to the prisoners of war. This amendment is probably the simplest, most straightforward, most direct, and most rapid way to end our involvement in the war.

If I may, I should like to comment on one other aspect of the current situation, that is, what the President has said and what transpired this afternoon at the Democratic caucus.

The President has spoken many times of the "invasion" of South Vietnam by the North. I do not believe that "invasion" is the correct term to describe what has occurred. In the caucus this afternoon, the junior Senator from Alabama offered a resolution, the purport of which was to condemn the "invasion" of South Vietnam by North Vietnam.

I proposed an amendment to strike the word "invasion" and substitute the word "incursion." My reason for doing that was that invasion, to me, is the word used to describe an act of international aggression launched by one independent country against another independent country. I do not believe that is the proper, precise description of what has occurred in Southeast Asia.

Supporters of President Nixon repeatedly refer to North Vietnam and South Vietnam as if they were two independent nations. Although the United States did not sign the Geneva agreements of 1954, we emphasized that the two areas of Vietnam were not to be regarded as two separate countries. That was stated repeatedly by President Eisenhower at that time. Richard Nixon was then Vice President.

The Geneva agreements contained a provision for elections by 1956. The Diem government never held them, and we never pressed for them. President Eisenhower, as I recall, said in his memoirs that the reason we did not press for them was that there was some reason to believe that Ho Chi Minh would win the election.

Point 6 of the declaration of the Geneva Conference said:

The military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary.

At the time, the President of the United States said of the Geneva agreements:

The United States will not use force to disturb the settlement.

The U.S.'s position at that time was stated as follows:

In the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections supervised by the U.N. . . .

That statement referred to Vietnam, North and South, as an example of "the case of nations now divided against their will." That statement referred to a single Vietnamese nation as well as to other nations.

It was for that reason that I suggested the substitution of the word "incursion" for "invasion." The word "incursion" does not have the same international connotations. My motion was agreed to by the caucus. Thereupon the Senator from Alabama (Mr. ALLEN) withdrew his motion, and there was no vote on it.

Incidentally, the word "incursion" was the word I took from President Nixon. That was the word he used to describe the movement of American troops into Cambodia. Given the record of that particularly historic event, I think "invasion" might well have been the correct word. However, I am trying to use the President's word, "incursion," to describe what happened in the recent case of North Vietnam and South Vietnam.

Having said all that, let me say one other thing. My action in offering that amendment in the caucus is not in any way intended to condone violence. There is a strong feeling of abhorrence on the part of this Senator from California, and on the part of many other Democratic Senators from other States, at the violence, the hostilities, and the use of military power by the so-called Government of North Vietnam against the people and the so-called Government of South Vietnam.

I deplore any violence. I deplore those hostilities. I deplore it when any nation or group resorts to violence in its relations with another nation or group.

It is for that reason that the caucus went on record as criticizing the actions and the hostilities as represented last night by the President of the United States.

There are those who have said that those who oppose the President's policy never condemn the actions of North Vietnam. I condemn those actions, and I know that many other Senators who also oppose the policies of the President also condemn the actions of North Vietnam. We do not support violence wherever used, except in self-defense. I think that the violence we have resorted to and that the North has resorted to—and I think in many instances the violence that the South has resorted to in South Vietnam—is not for the purpose of self-defense.

Mr. President, I yield the floor.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 1187

Mr. ROBERT C. BYRD. Mr. President, I submit an amendment in the second degree to the Church-Case perfecting amendment, No. 1186, which I ask the clerk to report.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an amendment to the Church-Case amendment, No. 1186, in the second degree as follows:

After the word "reaching" insert "cease-fire and".

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we have order? I will state the program for tomorrow.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. I will state the program for tomorrow, such as I can foresee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomorrow under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the conclusion of that period for the transaction of routine morning business the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow would seem to be as follows:

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 3526, to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The pending question at that time will be on the adoption of the amendment in the second degree, No. 1187, offered by the junior Senator from West Vir-

ginia (Mr. ROBERT C. BYRD) to the Church-Case perfecting amendment No. 1186 to the language in S. 3526 proposed to be stricken by the Stennis amendment No. 1175.

May I inquire of the Chair if my statement is correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. The Senate should anticipate further debate on the pending question and there possibly could be rollcall votes tomorrow. Of course, tabling motions are in order at almost any time, and rollcall votes could occur thereon. Conference reports, being privileged matters, of course, can be called up at almost any time if and when ready.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 6:26 p.m., the Senate adjourned until tomorrow, Wednesday, May 10, 1972, at 12 noon.

## NOMINATION

Executive nomination received by the Senate May 9, 1972:

John Y. Ing, of Hawaii, to be Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1972, vice Elmer T. Klassen, resigned.

## EXTENSIONS OF REMARKS

## THE LOSS OF LIBERTY IN ROME DURING THE DAYS OF CICERO

## HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES  
Tuesday, May 9, 1972

Mr. HARRY F. BYRD, JR. Mr. President, a recent edition of the Charleston, S.C., News & Courier included an interesting editorial describing the loss of liberty in Rome during the days of Cicero.

The conditions which Cicero attacked would seem to have some parallels in modern America.

I ask unanimous consent that the editorial, entitled "Ancient History," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Farmville Herald, April 26, 1972]

## ANCIENT HISTORY

One of the few reliable voices of conservatism in North Carolina comes over WRAL-TV. The speaker is Jesse Helms. Recently Mr. Helms was quoting Cicero, who lived a couple of thousand years ago. Sensing that Rome was about to fall on account of corruption in government, Cicero told the Roman Senate:

"We are taxed in our bread and our wine, in our incomes and our investments, on our

land and on our property, not only for base creatures who do not deserve the name of man, but for foreign nations, for complacent nations who will bow to us and accept our largess and promise to assist us in the keeping of the peace—these mendicant nations who will destroy us when we show a moment of weakness or when our treasury is becoming bare. We are taxed to maintain legions on their soil . . . We keep them in precarious balance only with our gold . . . They take our very flesh, and they hate and despise us."

The Senators rejected Cicero's warning. Rome decayed. Liberties disappeared. In his second oration, Cicero said:

"I tell you that freedom does not mean the freedom to exploit the law in order to destroy it. It is not freedom which permits the Trojan Horse to be wheeled within the gates. He who espouses tyranny and oppression is against (his country). He who plots against established authority and incites the people to violence is against (his country)."

The Roman Constitution contained a reference to the "general welfare of the people." Cicero warned the Senators not to misinterpret "welfare." Under that phrase "all sorts of excesses can be employed by lusty tyrants to make us all slaves." The politicians of Rome snickered, and proceeded to use the treasury to buy the political support of the masses.

Tiring of such talk, Rome banished Cicero. At the end of his trial, he said:

"You have succeeded against me. Be it as you will. I will depart. For this day's work, Lords, you have encouraged treason and opened the prison doors to free the traitors. A

nation can survive its fools . . . But the traitor moves within the gates freely, his sly whippers rustling through all the alleys, heard in the very halls of government itself . . . He rots the soul of a nation; he works secretly and unknown in the night to undermine the (fundamentals of a nation); he infects the body politic so that it can no longer resist." Rome fell. It was a long time ago. Who cares today?

## QUEEN ISABELLA DAY, 1972

## HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES  
Tuesday, May 9, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Honorable Linwood Holton, Governor of Virginia, recently proclaimed the observance of Queen Isabella Day in honor of the Spanish monarch who was so instrumental in promoting the voyages of discovery to the New World.

This tribute to Queen Isabella was most appropriate. I ask unanimous consent that the text of Governor Holton's proclamation be printed in the Extensions of Remarks.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows: